

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

TIMOTHY JACKSON,

Plaintiff,

VS.

LAURA WRIGHT, ET AL.,

Defendants.

X

X

X

X

X

X

X

X

X

CASE ACTION

NO.: 4:21-cv-00033-ALM

ORAL AND VIDEOTAPED DEPOSITION OF

ANDREW JAY CHUNG

October 15, 2024

(Reported Remotely)

ORAL AND VIDEOTAPED DEPOSITION OF ANDREW JAY

CHUNG, produced as a witness at the instance of the
Plaintiff, and duly sworn, was taken in the above-styled
and numbered cause on October 15, 2024, from 9:05 a.m. to
12:46 p.m., via Zoom, before JENNIFER L. SANDERS, CSR in
and for the State of Texas, reported by machine
shorthand, the witness located in Worcester,
Massachusetts, pursuant to the Federal Rules of Civil
Procedure and the provisions stated on the record and/or
attached hereto.

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DEPOSITION OF: ANDREW JAY CHUNG

DATE: October 15, 2024

CAUSE NO. 4:21-cv-00033-ALM

TAKEN PURSUANT TO:

- ☒ Notice
☐ Agreement
☐ Court Order
☒ Rules of Civil Procedure

ORIGINAL TO:

- ☐ Witness
☒ Witness's Attorney
☐ Producing Attorney
☐ Custodial Attorney

ADDRESS FOR ORIGINAL:

MS. MARY QUIMBY
Assistant Attorney General
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Austin, Texas 78711-2548

NUMBER OF DAYS FOR SIGNATURE:

- ☐ 20 days
☒ 30 days
☐ other:

MISCELLANEOUS:

- ☐ Any objection made by one party inures to all parties.
☒ An unsigned copy may be used at any trial or hearing.

P R O C E E D I N G S

THE VIDEOGRAPHER: Today's date October 15, 2024. The time is 9:07 a.m. We're on the record.

THE REPORTER: My name is Jennifer Sanders, Texas CSR 5091. I am reporting this deposition remotely by stenographic means from Carrollton, Texas. The witness is located in Worcester, Massachusetts.

ANDREW JAY CHUNG,
having been first duly sworn, testified as follows:

MR. ALLEN: Thank you, Professor Chung.

Shall we state all the attorneys' names for the record, Madam Court Reporter?

THE REPORTER: Sure.

MR. ALLEN: My name is Michael Thad Allen for the plaintiff in this civil action.

MS. QUIMBY: My name is Mary Quimby with the Texas Attorney General's office. I represent the defendants in this matter.

MR. STOWERS: My name is Renaldo Stowers. I'm the deputy general counsel for the University of North Texas System.

EXAMINATION

BY MR. ALLEN:

Q. Thank you, Professor Chung. I'm just going to talk to you about a few basic ground rules for

09:08:23 1 depositions. Have you ever been deposed before?

09:08:26 2 A. I have not.

09:08:26 3 Q. So I can just ask you for the record to state
09:08:30 4 your full name, just as you had before we went on the
09:08:34 5 record?

09:08:34 6 A. Yes. My full name is Andrew Jay Chung.

09:08:38 7 Q. Is there anything that would interfere with
09:08:42 8 your ability to answer questions truthfully today?

09:08:44 9 A. Not to my knowledge.

09:08:46 10 Q. You're not on any medications?

09:08:49 11 A. I am not.

09:08:50 12 Q. You're not suffering from any illness or mental
09:08:55 13 condition that would affect your memory?

09:08:57 14 A. No.

09:08:57 15 Q. Okay. And from time to time your attorney may
09:09:00 16 object. That's a normal part of building a record for
09:09:03 17 the court, which is what we're here to do today. It does
09:09:06 18 not relieve you of your obligation to answer a question
09:09:11 19 that is before you. Is that clear?

09:09:12 20 A. Understood.

09:09:13 21 Q. There are some few exceptions, but they will be
09:09:18 22 very clear if they come up. I imagine your attorney
09:09:22 23 would instruct you not to answer. But for the most part,
09:09:26 24 objections are for the record.

09:09:30 25 If at any time you don't understand a question

09:09:33 1 I've asked you, just please interrupt me and ask for
09:09:36 2 clarification. That is also perfectly normal. I don't
09:09:39 3 want you to answer a question that you haven't understood
09:09:42 4 or that I've put unclearly in some way. Is that clear?

09:09:45 5 A. Understood.

09:09:45 6 Q. And, likewise, if you do not ask for
09:09:50 7 clarification, I will assume that you have understood the
09:09:53 8 question as asked. Is that also clear?

09:09:55 9 A. Understood.

09:09:56 10 Q. I need you to answer questions audibly. There
09:10:02 11 are many things we do in the course of ordinary
09:10:04 12 conversations like nod, say things like "uh-huh" and
09:10:07 13 "huh-uh." But those don't help build a clear record,
09:10:11 14 which the stenographer and court reporter is taking down
09:10:14 15 word for word.

09:10:15 16 So I'm going to ask you in response to all
09:10:18 17 questions to answer them with an audible "yes" or "no" or
09:10:21 18 as you have been doing say "understood" or "correct" or
09:10:24 19 something of that nature that is audible. Is that also
09:10:27 20 clear?

09:10:28 21 A. Yes.

09:10:28 22 Q. Thank you. From time to time I'll also be
09:10:36 23 introducing exhibits today. I'm going to introduce the
09:10:39 24 first one right now. If I am finding it. There it is.

09:10:56 25 I'm going to mark as Exhibit 1 for the record

09:10:59 1 the document that you should see on the screen. Can I
09:11:02 2 just ask for clarification if that's visible to you,
09:11:06 3 Professor Chung?

09:11:06 4 A. Yes. It's visible.

09:11:08 5 (Exhibit No. 1 marked.)

09:11:08 6 Q. (BY MR. ALLEN) Like I asked you to ask for
09:11:10 7 clarification when I ask questions, likewise, if I'm
09:11:14 8 introducing an exhibit and you need to see some part of
09:11:17 9 it or want clarification of how long it is, anything of
09:11:19 10 that nature, just please tell me. I'm not trying to hide
09:11:23 11 the ball or conceal pages.

09:11:27 12 We are in a virtual deposition today. So that
09:11:30 13 will mean I can only show you one page at a time. But if
09:11:32 14 you ask, I'm happy to navigate to where in the document
09:11:35 15 you would to see. Likewise, I'm not going to ask you to
09:11:37 16 answer questions if you haven't had a chance to review a
09:11:40 17 document. So if you want additional time to review or
09:11:44 18 read a document, just please tell me. Okay?

09:11:46 19 A. Okay.

09:11:47 20 Q. Thank you. Do you recognize this document
09:11:49 21 captioned Re-Notice of Taking Deposition that I've
09:11:51 22 introduced as Exhibit 1?

09:11:53 23 A. Yes.

09:11:53 24 Q. I'll just go -- it's two pages. I'm just
09:11:59 25 scanning down to the signatures on the second page. Have

09:12:02 1 you had a chance to look at this document?

09:12:03 2 A. I have seen it.

09:12:04 3 Q. Is it accurate to say you have appeared today
09:12:13 4 to give testimony in response to this re-notice of taking
09:12:16 5 deposition?

09:12:16 6 A. I assume so.

09:12:18 7 Q. All right. I don't have any questions about
09:12:20 8 this any further at this time.

09:12:23 9 Can I ask you to explain what you've done to
09:12:25 10 prepare for today's deposition, Professor Chung?

09:12:28 11 A. I have met with Mary Quimby and Renaldo Stowers
09:12:33 12 to go over what a deposition is. We looked at the
09:12:43 13 faculty letter that was signed in relation to the *Journal*
09:12:50 14 *of Schenkerian Studies*. We looked at the student
09:12:54 15 generated document as well.

09:12:58 16 Q. And let me be clear. I'm not asking you to
09:13:01 17 tell me what you've discussed with your attorneys. That
09:13:03 18 would be privileged.

09:13:06 19 In -- in addition to looking at the faculty
09:13:08 20 statement, I believe you said, or letter and the student
09:13:13 21 correspondence did you say? Is that how you put it?

09:13:18 22 A. I think I said statement.

09:13:20 23 Q. Statement.

09:13:22 24 A. I don't know.

09:13:23 25 Q. Is this -- well, I'm sure we'll get to that

09:13:25 1 document. Are you referring to a statement circulated
09:13:28 2 around July -- the end of July 2020 by graduate students
09:13:33 3 of the University of Texas?

09:13:33 4 A. Yes.

09:13:34 5 Q. University of North Texas? Excuse me.

09:13:36 6 A. North Texas. Yes.

09:13:38 7 Q. Were there any other documents you examined in
09:13:42 8 preparation for your testimony today?

09:13:44 9 A. At the time that is what I truthfully recall.

09:13:48 10 Q. And about how long did you spend discussing
09:13:52 11 today's deposition with your attorney?

09:13:54 12 A. We went about four hours.

09:13:57 13 Q. Okay. Did you speak with anyone else in
09:14:00 14 preparation for your testimony today?

09:14:02 15 A. Nope.

09:14:02 16 (Exhibit No. 2 marked.)

09:14:02 17 Q. (BY MR. ALLEN) I want to ask you a few
09:14:17 18 questions about the course of your career just as a
09:14:21 19 matter of background, if you don't mind. I'm going to
09:14:24 20 introduce for the record Exhibit 2. Let me -- sorry.
09:14:47 21 From time to time this may get cumbersome, but I'm sure
09:14:51 22 we'll get through it.

09:14:55 23 Can you see Exhibit 2 that I've marked for the
09:14:57 24 record, which is captioned January 2024, Andrew Jay
09:15:03 25 Chung?

09:15:03 1 A. Yes. Correct.

09:15:04 2 Q. Is it accurate to say this is your current CV?

09:15:08 3 A. No, it is not. I've updated the CV between
09:15:13 4 January and now.

09:15:16 5 Q. Will you be able to provide a current version
09:15:18 6 of your CV for your attorney for production in this civil
09:15:22 7 action?

09:15:22 8 A. Yes.

09:15:23 9 Q. So I just want to go through -- is it -- is it
09:15:28 10 true that you have compiled this CV yourself?

09:15:31 11 A. Yes.

09:15:32 12 Q. And everything in this CV at least, up to
09:15:36 13 January 2024, accurate?

09:15:37 14 A. Yes.

09:15:38 15 Q. So based on your CV, you received your PhD in
09:15:48 16 music from Yale University in May 2019?

09:15:49 17 A. Correct.

09:15:49 18 Q. And that was after completing an MPhil in music
09:15:54 19 at Yale in 2016?

09:15:57 20 A. Correct.

09:15:59 21 Q. And at the same time you received an MA in
09:16:03 22 music at Yale in 2016, right?

09:16:06 23 A. Yes.

09:16:07 24 Q. And you attended Wesleyan University for your
09:16:10 25 undergraduate degree?

09:16:11 1 A. Correct.

09:16:12 2 Q. And there you graduated in 2012, right?

09:16:15 3 A. Correct.

09:16:15 4 Q. Okay. Was the visiting instructorship at
09:16:20 5 Wesleyan in the spring of 2019 your first job after
09:16:23 6 completing your PhD in music?

09:16:25 7 A. Incorrect. That was while I was completing my
09:16:28 8 PhD.

09:16:29 9 Q. How long were you a visiting instructor at
09:16:39 10 Wesleyan?

09:16:39 11 A. For the semester of spring 2019, just like it
09:16:41 12 says.

09:16:42 13 Q. So when you finished the spring semester there,
09:16:46 14 what happened next?

09:16:47 15 A. I spent the summer moving to Carrollton, Texas,
09:16:55 16 in preparation for my appointment at the University of
09:17:00 17 North Texas.

09:17:00 18 Q. And you started there roughly
09:17:05 19 August/September 2019?

09:17:06 20 A. Officially September 1, 2019.

09:17:08 21 Q. Have you held any other positions since you
09:17:11 22 took the position in the fall of 2019 at the Division of
09:17:15 23 Music History, Theory, and Ethnomusicology at UNT?

09:17:18 24 A. I have not. I am currently on leave on a
09:17:23 25 research fellowship at the -- at a research library

09:17:28 1 called the American Antiquarian Society. Strictly
09:17:32 2 speaking, this is not an appointment, but this is why I
09:17:36 3 am not at the University of North Texas and it's some --
09:17:39 4 it's -- it is what I am doing professionally now for this
09:17:45 5 year.

09:17:45 6 Q. I believe -- is that in Worcester,
09:17:47 7 Massachusetts?

09:17:48 8 A. Worcester, yes.

09:17:50 9 Q. Thank you. So just let me see if I get this
09:17:54 10 right. You received a fellow [audio cut out] to attend
09:17:58 11 the institution where you're now pursuing your career but
09:18:03 12 you remain appointed as a professor at the University of
09:18:07 13 North Texas?

09:18:07 14 A. Your audio cut out in the middle of your
09:18:10 15 question. Please ask it again.

09:18:11 16 Q. Yeah. Thanks. And this is a good example of
09:18:13 17 asking for clarification. So thanks a lot.

09:18:16 18 I just wanted to summarize to make sure I
09:18:19 19 understand. So at point you received a fellowship to
09:18:23 20 attend the institution where you're now pursuing your
09:18:26 21 career, but while you pursue your career in Worcester,
09:18:32 22 you're also continuing your appointment as an assistant
09:18:37 23 professor at UNT?

09:18:38 24 A. Yes. I am on the research leave at the
09:18:42 25 University of North Texas while I'm conducting research

09:18:45 1 here.

09:18:46 2 Q. Okay. And you'll understand if I say "UNT" I
09:18:49 3 mean the University of North Texas, right?

09:18:50 4 A. Yes.

09:18:51 5 Q. When do you expect to return to the University
09:18:55 6 of North Texas?

09:18:55 7 A. If I return, I expect to return June 2025.

09:19:00 8 Q. Okay. Between 2019 and now have you held any
09:19:08 9 visiting positions at any other institution besides the
09:19:13 10 one at which you are now?

09:19:14 11 A. No. I have not.

09:19:16 12 Q. Okay. You remain an assistant professor now?

09:19:32 13 A. I currently am an assistant professor, correct.

09:19:36 14 Q. When do you intend to go up for tenure?

09:19:40 15 A. My tenure application has been submitted in --
09:19:44 16 in May and -- in two parts, in May and August of this
09:19:49 17 year.

09:19:50 18 Q. And just for the record, 2024, right?

09:19:55 19 A. That is this year. Yes.

09:19:57 20 Q. Since you have already testified that you've
09:20:04 21 updated your CV to the present, I am just going to ask
09:20:10 22 you to state for the record any additional publications
09:20:14 23 that you've published that are not in your CV.

09:20:17 24 A. No additional publications.

09:20:19 25 Q. Now, these peer-reviewed articles, it looks

09:20:24 1 like -- let me see -- one, two, three, four, five --
09:20:29 2 five. Did I count right?

09:20:31 3 A. Correct.

09:20:31 4 Q. This is in Exhibit 2 of your CV again. All of
09:20:35 5 those are peer reviewed, correct?

09:20:37 6 A. All these are peer reviewed.

09:20:39 7 Q. And what do you mean and understand by peer
09:20:42 8 reviewed?

09:20:42 9 MS. QUIMBY: Objection; form.

09:20:43 10 A. Peer review is where an article is sent by a
09:20:48 11 journal to external reviewers who are other scholars in
09:20:53 12 the field.

09:20:53 13 Q. (BY MR. ALLEN) Are they generally unknown, in
09:20:56 14 other words, kept anonymous during the review process?

09:20:59 15 A. Yes. Generally, yes. For all of these cases,
09:21:02 16 yes.

09:21:02 17 Q. And was your identity also, as much as
09:21:05 18 possible, kept anonymous vis-a-vis the reviewers?

09:21:12 19 A. That's my understanding. I'm not certain that
09:21:15 20 that's the case. Sometimes journals do not observe a
09:21:20 21 double blind review process.

09:21:21 22 Q. That was going to be my follow-up -- I'm sorry.
09:21:24 23 I interrupted you. Could you please restate that?

09:21:26 24 A. Sometimes journals do not observe a double
09:21:29 25 blind process. So it is possible that journals --

09:21:34 1 journal reviewers knew my name. It's often -- in a small
09:21:37 2 field, it's pretty easy to infer who an author is.

09:21:42 3 Q. Sure. So let me just summarize, if possible.
09:21:47 4 A double blind peer-review process means that both the
09:21:51 5 author of an article and the outside reviewers of the
09:21:54 6 author -- of the article remain anonymous to each other,
09:21:58 7 correct?

09:21:58 8 A. Correct.

09:21:58 9 Q. And to the best of your knowledge, these
09:22:01 10 peer-reviewed articles were double blind peer reviewed?

09:22:05 11 A. To the best of my knowledge. My expectation is
09:22:08 12 that they were all double blind peer reviewed.

09:22:12 13 Q. Have you ever published articles that are not
09:22:14 14 peer reviewed?

09:22:15 15 A. Articles, no.

09:22:16 16 Q. Textbook chap- -- go ahead. I'm sorry.

09:22:19 17 A. On articles, no. I've done some journalistic
09:22:22 18 writing, but that's, I think, a different matter.

09:22:24 19 Q. In this book chapter you've listed in your CV,
09:22:30 20 "Consonance and Dissonance," do you see where that is on
09:22:32 21 the -- it looks like second page of Exhibit 2?

09:22:34 22 A. Correct.

09:22:34 23 Q. Was that peer reviewed?

09:22:38 24 A. That was editor reviewed.

09:22:41 25 Q. And could you describe that process in brief

09:22:43 1 for the record?

09:22:44 2 A. Editor review is -- is a standard that is often
09:22:51 3 used for edited collections that are published as books
09:22:56 4 where book chapters are solicited from authors by a team
09:23:01 5 of editors, and the pieces are reviewed by the editors.

09:23:05 6 Q. And I believe you said you had -- how did you
09:23:09 7 describe your non-peer reviewed publication efforts?
09:23:13 8 Something like journalistic or popular or something of
09:23:18 9 that nature?

09:23:18 10 A. Yeah. Journalistic writing.

09:23:19 11 Q. Where are those in your CV, if they are?

09:23:22 12 A. They should be in other writings.

09:23:24 13 Q. Is that this portion on the bottom of Page 2?

09:23:27 14 A. Yes. The -- yeah. The bottom two items, in
09:23:32 15 *The Wire* and *icareifyoulisten.com*. Yeah. Those are --
09:23:36 16 those are -- those are journalistic writings.

09:23:39 17 Q. And then what is the History of Music Theory
09:23:44 18 blog? You've listed a publication under other writings,
09:23:44 19 "Colonial Organology and Ornithology in Richard Ligon's
09:23:54 20 Acoustics of Anthropological Difference." Did I read
09:23:54 21 that right?

09:23:55 22 A. Correct. Yes. That is a blog post that
09:24:01 23 solicits short pieces, short reflections having to do
09:24:03 24 with the history of music theory.

09:24:06 25 Q. Okay. Do you retain any kind of institutional

09:24:18 1 affiliation with Wesleyan University?

09:24:20 2 A. Nope.

09:24:21 3 Q. When did your association with Wesleyan end?

09:24:25 4 MS. QUIMBY: Objection; form.

09:24:30 5 A. My association with Wesleyan University ended
09:24:34 6 when my visiting appointment was over in May -- let's see
09:24:41 7 -- 2019.

09:24:41 8 Q. (BY MR. ALLEN) Okay. Sorry if I pause between
09:25:14 9 exhibits. It's because I'm keeping track of them and
09:25:18 10 keeping track of their files names so I can circulate
09:25:21 11 them eventually to the reporter.

09:25:27 12 Are you familiar with a music theory journal
09:25:32 13 called *Spectrum*?

09:25:34 14 A. You are referring to *Music Theory Spectrum*.
09:25:37 15 Yes.

09:25:37 16 Q. Can you describe what *Music Theory Spectrum* is
09:25:42 17 for the record, please?

09:25:43 18 A. For the record, *Music Theory Spectrum* is, I
09:25:48 19 believe, one of the official publications of the Society
09:25:50 20 for Music Theory.

09:25:50 21 Q. What's the Society for Music Theory?

09:25:52 22 A. The Society for Music Theory is a professional
09:25:56 23 society of music theorists.

09:25:59 24 Q. Do you belong to the Society for Music Theory?

09:25:59 25 A. I am -- I am currently a member of the SMT.

09:26:01 1 That is the Society for Music Theory.

09:26:04 2 Q. And I believe you just used its acronym SMT,
09:26:08 3 right?

09:26:08 4 A. Uh-huh.

09:26:09 5 Q. So if we say "SMT" we'll both understand we're
09:26:13 6 refer to Society for Musical Theory, right?

09:26:16 7 A. Correct. Music --

09:26:16 8 Q. Thank you. Society for Music Theory just for
09:26:19 9 the record. Thank you.

09:26:19 10 A. Correct.

09:26:20 11 Q. How important is the Society for Music Theory
09:26:24 12 in your field?

09:26:25 13 MS. QUIMBY: Objection; form.

09:26:27 14 Go ahead.

09:26:28 15 A. It is -- it is the primary U.S.-based
09:26:34 16 professional association and conference organizing body
09:26:39 17 in the field.

09:26:41 18 Q. (BY MR. ALLEN) And you consider yourself a
09:26:43 19 music theorist, right?

09:26:45 20 A. At times. I certainly --

09:26:48 21 Q. How about --

09:26:49 22 A. -- teach in the music theory departments.

09:26:52 23 Q. Okay. Do you teach classes in music theory?

09:26:53 24 A. I teach classes in music theory.

09:26:55 25 Q. Did your -- do your publications -- your

09:27:00 1 academic publications engage in the field of music
09:27:03 2 theory?

09:27:03 3 A. Some of them primarily do, yes.

09:27:05 4 Q. Do you have graduate students in the field of
09:27:13 5 music theory?

09:27:13 6 A. Correct.

09:27:14 7 Q. Can you describe the position that *Spectrum* has
09:27:26 8 in the field of music theory among people such as
09:27:30 9 yourself?

09:27:31 10 MS. QUIMBY: Objection.

09:27:32 11 A. Sure. I would say -- would say *Spectrum* --
09:27:37 12 *Music Theory Spectrum* is one of three flagship journals.
09:27:38 13 The others would be the journal for music theory --
09:27:40 14 sorry -- *Journal of Music Theory* and *Music Theory Online*.

09:27:44 15 Q. (BY MR. ALLEN) Are those all published by SMT?

09:27:47 16 A. They are not.

09:27:50 17 Q. Which ones are published by the Society for
09:27:55 18 Music Theory?

09:27:55 19 A. *Music Theory Spectrum* and *Music Theory Online*
09:27:59 20 are officially affiliated with the SMT.

09:28:02 21 Q. And what is the third one, if you could state
09:28:04 22 that again, please?

09:28:05 23 A. The *Journal of Music Theory*, JMT.

09:28:08 24 Q. What professional society, if any, is that
09:28:12 25 associated with?

09:28:13 1 A. No professional society.

09:28:15 2 Q. Who publishes it?

09:28:17 3 A. Duke University Press.

09:28:19 4 Q. Who -- who edits it, if you know?

09:28:23 5 A. I am -- I do not know who the current editor
09:28:27 6 is.

09:28:28 7 Q. Okay. Do you know who the actual publisher of
09:28:38 8 *Spectrum* is?

09:28:38 9 A. That I do not know.

09:28:39 10 Q. Have you published in *Spectrum* by any chance?
09:28:39 11 We could back to your CV, but I figured I'd just ask you
09:28:39 12 because you must know.

09:28:53 13 A. I've published a book review in *Music Theory*
09:28:58 14 *Spectrum*.

09:28:59 15 Q. Have you ever had a chance to peruse their
09:29:05 16 website for their standards of publication?

09:29:07 17 A. Specifically, no, I have not. But I -- there
09:29:10 18 are certain kinds of assumptions that one makes about the
09:29:12 19 standards of publication at a flagship journal.

09:29:15 20 Q. What are the standards that you assume are
09:29:18 21 applied by *Spectrum*?

09:29:19 22 A. Double blind peer review for all research
09:29:24 23 articles and editor based review for things like book
09:29:27 24 reviews, concert reviews, or conference reports.

09:29:34 25 Q. And while we're at it, do you -- is there any

09:29:41 1 meaningful distinction in your mind between the
09:29:44 2 publication of papers in a symposium and in a commentary?

09:29:50 3 MS. QUIMBY: Objection; form.

09:29:52 4 Q. (BY MR. ALLEN) Do you know?

09:29:52 5 A. Difference between papers in a symposium and a
09:29:57 6 commentary? I'm not sure I understand the question.

09:29:59 7 Q. (BY MR. ALLEN) Well, have you -- have you done
09:30:02 8 -- well, there has been a distinction made, for instance,
09:30:05 9 by -- I'm just going to represent to you for the record
09:30:08 10 by an ad hoc panel between symposia and commentary. I'm
09:30:14 11 asking if you know the distinction between those two
09:30:19 12 scholarly kinds of publication?

09:30:23 13 MS. QUIMBY: Objection; form.

09:30:24 14 A. I mean, my impression is that commentary is a
09:30:27 15 far more informal thing. A symposium I would assume --
09:30:32 16 having never published in a symposium myself, my
09:30:35 17 assumption is that a symposium is a collection of
09:30:38 18 research articles that circulate or orbit around a
09:30:43 19 certain particular topic.

09:30:44 20 Q. (BY MR. ALLEN) Okay. Any particular standards
09:30:48 21 for symposia that you're aware of in your field?

09:30:51 22 MS. QUIMBY: Objection; form.

09:30:52 23 A. Not -- not that I know of as consistent rules,
09:30:58 24 per se, for symposia.

09:31:00 25 (Exhibit No. 3 marked.)

09:31:00 1 Q. (BY MR. ALLEN) Okay. I'm going to introduce
09:31:02 2 into the record Exhibit 3. And, Professor Chung, first
09:31:16 3 I'm going to take you through the document to introduce
09:31:19 4 it to you, and then I'm going to ask you some questions
09:31:21 5 about it.

09:31:22 6 The first page is --

09:31:26 7 MS. QUIMBY: I'm sorry to interrupt. I
09:31:27 8 can't even begin to try to read this.

09:31:31 9 MR. ALLEN: It's too small, is that what
09:31:33 10 you're saying?

09:31:34 11 MS. QUIMBY: Yeah. I'm sorry if that
09:31:35 12 wasn't clear. I can't read it.

09:31:37 13 MR. ALLEN: I'll tell you what, why don't
09:31:43 14 I -- can we go off the record, please.

09:31:46 15 THE VIDEOGRAPHER: The time 9:31 a.m. We
09:31:48 16 are off the record.

09:31:48 17 (Recess from 9:31 a.m. to 9:33 a.m.)

09:33:11 18 THE VIDEOGRAPHER: The time is 9:33 a.m.
09:33:13 19 We are on the record.

09:33:14 20 Q. (BY MR. ALLEN) So this exhibit marked as
09:33:16 21 Exhibit 3 for the record is a complication of two
09:33:23 22 websites and one journal article concerning the journal
09:33:26 23 *Spectrum* which we have just been discussing.

09:33:27 24 The first page is from the website of the
09:33:33 25 Society for Music Theory. In fact, you can see in the

09:33:36 1 lower left-hand corner, which I'm highlighting here on
09:33:43 2 the screen, the URL says SocietyMusicTheory.org. Do you
09:33:47 3 see that, Professor Chung?

09:33:48 4 A. Yes.

09:33:48 5 Q. The second is a printout of a website Oxford
09:33:57 6 University Press, which also addresses *Music Theory*
09:34:02 7 *Spectrum*. And if you'll see the URL here is
09:34:10 8 AcademicOUP.com. Do you see that down at the bottom of
09:34:13 9 Page 2?

09:34:13 10 A. Correct. Yes.

09:34:14 11 Q. And do you understand OUP is an abbreviation
09:34:20 12 for Oxford University Press?

09:34:23 13 A. Yes.

09:34:23 14 Q. So does that help inform you that Oxford
09:34:31 15 University Press publishes *Music Theory Spectrum*?

09:34:37 16 A. Yeah. I believe that's correct.

09:34:37 17 Q. Okay. Well -- and just to sew that up, you
09:34:38 18 don't have any reason to believe that Oxford University
09:34:40 19 Press does not publish *Music Theory Spectrum*, right?

09:34:42 20 MS. QUIMBY: Objection; form.

09:34:43 21 A. My -- yeah. My understanding was that the
09:34:49 22 change -- that there was a change of press in some recent
09:34:53 23 years. So previously they were published by, I believe,
09:35:00 24 the University of California Press. I -- I access the
09:35:02 25 journal online, so -- you know.

09:35:06 1 Q. (BY MR. ALLEN) Would that be through SMT or
09:35:08 2 through Oxford?

09:35:10 3 MS. QUIMBY: Objection; form.

09:35:11 4 A. Accessing the journal? Through neither. It's
09:35:18 5 through the University's -- University of North Texas's
09:35:20 6 library.

09:35:21 7 Q. (BY MR. ALLEN) Oh. Okay. So I'll just
09:35:25 8 represent to you that after the website that is printed
09:35:28 9 out from the Oxford University Press, I've included a
09:35:35 10 table of contents from fall 2021 journal of the Society
09:35:41 11 for Music Theory *Spectrum*. Then after that is an article
09:35:45 12 which was published in that volume in the fall of 2021 by
09:35:51 13 Philip Ewell called "Music Theory's White Racial Frame."

09:35:55 14 A. Yes.

09:35:56 15 Q. We're not -- we're obviously not going to read
09:35:58 16 this all into the record. But I'm just showing you that
09:36:02 17 that's the nature [audio cut out].

09:36:08 18 I would like to go back to the first page of
09:36:10 19 exhibit number -- I believe we're up to 3. Specific
09:36:20 20 declaration of the review process on this printout of the
09:36:26 21 web page for the society for music -- Society for Music
09:36:30 22 Theory concerning *Spectrum*.

09:36:37 23 A. Was there -- was there a question? I'm sorry.

09:36:39 24 Q. Yes. Can you identify any specific declaration
09:36:45 25 of the review process on the website of the Society of

09:36:49 1 Music Theory concerning the journal *Spectrum* --

09:36:52 2 MS. QUIMBY: Objection.

09:36:53 3 Q. (BY MR. ALLEN) -- in Exhibit 3?

09:36:54 4 MS. QUIMBY: Objection; form.

09:36:55 5 A. In Exhibit 3? In the material provided?

09:37:04 6 Q. (BY MR. ALLEN) Correct. Again, I'm just
09:37:26 7 asking you about the Society of Music Theory portion of
09:37:30 8 Exhibit 3, which is the first page.

09:37:31 9 A. Only the first page?

09:37:33 10 Q. Yes.

09:37:33 11 A. Why only the first page?

09:37:35 12 Q. Because that -- that first page is from the
09:37:39 13 Society for Music Theory's website, not from the Oxford
09:37:43 14 University Press website, which I'm going to ask you
09:37:45 15 about next.

09:37:45 16 A. Okay.

09:37:45 17 Q. So I could just ask you to address --

09:37:47 18 A. No -- no review information on the first page.

09:37:49 19 Q. Okay. Now we're going to go to the Oxford
09:37:53 20 University Press. I'm just going to direct your
09:37:55 21 attention to what I've highlighted here for the purposes
09:38:02 22 of your testimony. It says, after one or two bullet
09:38:05 23 points, "Instructions to authors. *Music Theory Spectrum*
09:38:09 24 practices blind review. For this reason, authors should
09:38:11 25 avoid identifying themselves, directly or indirectly, in

09:38:17 1 submissions" -- "in the submission itself," confirming
09:38:19 2 "such identification to an accompanying cover letter" --
09:38:22 3 or excuse me -- "confining such identification to an
09:38:27 4 accompanying cover letter."

09:38:28 5 At least on the second try did I read that
09:38:30 6 correctly?

09:38:32 7 A. I believe so.

09:38:33 8 Q. And is it your understanding, then, that the
09:38:37 9 Oxford University Press does identify that *Spectrum*
09:38:40 10 articles are to be blind peer reviewed?

09:38:43 11 A. For articles, correct.

09:38:45 12 Q. Yes. I am now going to skip down to *Music*
09:38:58 13 *Theory Spectrum*, the journal of the Society for Music
09:39:02 14 Theory. On this table of contents, do you find anything
09:39:05 15 suggesting that the article of Philip Ewell, which is
09:39:10 16 included in this section here starting at Page 324, is
09:39:14 17 not peer reviewed?

09:39:15 18 MS. QUIMBY: Objection; form.

09:39:16 19 A. Do I find anything to suggest that it is not
09:39:24 20 peer reviewed?

09:39:25 21 Q. (BY MR. ALLEN) Correct.

09:39:25 22 A. The fact that it's a colloquy raises the
09:39:32 23 potential that it's not peer reviewed.

09:39:34 24 Q. Does the title page say that it's not peer
09:39:37 25 reviewed?

09:39:37 1 MS. QUIMBY: Objection; form.

09:39:38 2 A. It does not.

09:39:41 3 Q. (BY MR. ALLEN) Would it be your expectation
09:39:47 4 that the title page would specify that articles are not
09:39:50 5 peer reviewed if, in fact, they are not?

09:39:53 6 MS. QUIMBY: Objection; form.

09:39:53 7 A. Well, implicitly -- implicitly it is specified
09:39:58 8 that the -- you know, the six pieces appearing before the
09:40:01 9 word "colloquy" are peer reviewed.

09:40:09 10 Q. (BY MR. ALLEN) How is that implicitly stated?

09:40:10 11 A. Because it's not stated explicitly.

09:40:13 12 Q. Okay. So you agree that it's not stated
09:40:20 13 explicitly that the colloquy is not peer reviewed,
09:40:21 14 correct?

09:40:21 15 A. Correct.

09:40:22 16 Q. And I'm just going to call your attention to
09:40:25 17 Philip Ewell's article. Do you see Page 324 just as the
09:40:32 18 table of contents suggests?

09:40:34 19 A. Correct.

09:40:34 20 Q. And this is "Music Theory's White Racial
09:40:40 21 Frame"?

09:40:40 22 A. Correct.

09:40:40 23 Q. The title?

09:40:41 24 A. Correct.

09:40:41 25 Q. And just to back up, did you attend the 2019

09:40:50 1 conference of the Society for Music Theory?

09:40:53 2 A. I did.

09:40:54 3 Q. That would have been shortly after you joined
09:40:58 4 the University of North Texas, correct?

09:41:00 5 A. That is correct.

09:41:01 6 Q. Do you remember it being in the early weeks of
09:41:03 7 November?

09:41:03 8 A. Early weeks of November 2019.

09:41:06 9 Q. You wouldn't happen to remember the days on
09:41:09 10 which the conference fell, would you?

09:41:11 11 A. Well, every year the conference falls on a
09:41:14 12 Thursday, Friday, Saturday, Sunday.

09:41:17 13 Q. Do you remember it being the first week of
09:41:18 14 November?

09:41:19 15 A. I am uncertain as to whether it was the first
09:41:30 16 week or the second week of November.

09:41:31 17 Q. I'm sorry, we've just had trouble figuring out
09:41:34 18 exactly when it took place. That's why I ask.

09:41:39 19 Did you personally sit in on the plenary
09:41:44 20 address of Professor Philip Ewell of Hunter College in
09:41:49 21 New York?

09:41:49 22 A. I did.

09:41:49 23 Q. How was the paper received?

09:41:52 24 MS. QUIMBY: Objection; form.

09:41:53 25 A. The paper was received with -- with a polite

09:42:04 1 reception. Nothing unusual about its reception.

09:42:07 2 Q. (BY MR. ALLEN) Do you recall a standing
09:42:10 3 ovation?

09:42:11 4 A. I personally do not recall whether the ovation
09:42:14 5 was standing, not standing.

09:42:16 6 Q. Okay. Do you recall any opportunity for people
09:42:21 7 to criticize Professor Ewell's plenary address "Music
09:42:28 8 Theory's White Racial Frame"?

09:42:29 9 MS. QUIMBY: Objection; form.

09:42:30 10 A. There is always an opportunity to address a
09:42:33 11 plenary address.

09:42:34 12 Q. (BY MR. ALLEN) When was that afforded at the
09:42:35 13 Society for Music Theory in their annual conference in
09:42:39 14 2019?

09:42:39 15 A. During free time. That time is not, per se,
09:42:42 16 listed on the program.

09:42:44 17 Q. What do you mean "free time"? What does that
09:42:47 18 mean at the conference?

09:42:48 19 A. Because conference sessions do not run 24 hours
09:42:51 20 of the day. People take time to be out of conference
09:42:57 21 sessions and speak amongst themselves.

09:43:01 22 Q. So other than this free time, was there any
09:43:05 23 opportunity for people to formally critique Philip
09:43:13 24 Ewell's plenary address?

09:43:14 25 MS. QUIMBY: Objection; form.

09:43:16 1 A. Formally, not that I know of.

09:43:19 2 Q. (BY MR. ALLEN) Okay. So I'm just going to
09:43:21 3 ask, given that we have in Exhibit 3 the article, is it
09:43:25 4 your understanding that this article in Society for Music
09:43:29 5 Theory was the publication of the talk [audio cut out] 19
09:43:33 6 Society for Music Theory plenary address?

09:43:33 7 MS. QUIMBY: I'm sorry, halfway you -- you
09:43:33 8 just cut out. I only caught part of that question.

09:43:41 9 MR. ALLEN: Sure. Sure.

09:43:41 10 So I'll ask the court reporter to strike
09:43:43 11 that, and I'll ask the question again.

09:43:45 12 Q. (BY MR. ALLEN) Was it your understanding that
09:43:46 13 Philip Ewell published his plenary address at the 2019
09:43:51 14 Society for Music Theory conference as this paper "Music
09:43:57 15 Theory's White Racial Frame" in this 2021 volume of
09:44:01 16 Society for Music Theory's *Spectrum*?

09:44:03 17 MS. QUIMBY: Objection; form.

09:44:05 18 A. That is my understanding.

09:44:09 19 Q. (BY MR. ALLEN) If there was going to be a note
09:44:15 20 stating that this paper was not peer reviewed, where
09:44:19 21 would it appear in the article?

09:44:20 22 MS. QUIMBY: Objection; form.

09:44:23 23 A. A note stating that it was not peer reviewed?

09:44:26 24 Q. (BY MR. ALLEN) Yes. If one was to exist in
09:44:29 25 such a publication, where would it be?

09:44:31 1 MS. QUIMBY: Objection; form.

09:44:31 2 A. Such a note would -- would not be customary.

09:44:42 3 Q. (BY MR. ALLEN) Okay. And here at the bottom
09:44:45 4 you see this that I've highlighted just for the purpose
09:44:48 5 of drawing your attention to it?

09:44:48 6 A. Yes.

09:44:50 7 Q. It says, "This article is a transcript of my
09:44:53 8 2019 Society for Music Theory plenary paper." He goes on
09:44:58 9 to say, "Aside from adding bibliographic citations, I
09:45:03 10 have adjusted the text minimally as possible." And for a
09:45:05 11 complete -- a more complete version he refers to another
09:45:09 12 publication, which is apparently linked under Ewell 2020.

09:45:15 13 Did I read that right?

09:45:15 14 A. Yes.

09:45:17 15 Q. So you would agree with me that doesn't
09:45:19 16 indicate that this is not a peer-reviewed article, right?

09:45:21 17 MS. QUIMBY: Objection; form.

09:45:22 18 A. That it -- this does not indicate that it was
09:45:30 19 peer reviewed; is that the question?

09:45:32 20 Q. (BY MR. ALLEN) Yes, that is the question.

09:45:34 21 A. Yeah. There's no indication of the peer-review
09:45:44 22 process to which this was subjected.

09:45:47 23 Q. And following up on your previous testimony, is
09:45:50 24 that -- would you expect that? Is it normal? Let me
09:45:55 25 strike that and just ask it.

09:45:57 1 Is it your understanding that would be normal
09:45:59 2 for such a publication?

09:46:00 3 MS. QUIMBY: Objection; form.

09:46:01 4 A. For a piece like this that's a transcript of a
09:46:03 5 well-known talk, I don't think that scholars in the
09:46:07 6 field, professionals in the field would expect a peer --
09:46:10 7 for such a piece to go through the same kind of
09:46:13 8 peer-review process that an article would under blind
09:46:19 9 submission.

09:46:19 10 Q. (BY MR. ALLEN) Okay. I'm just going to skip
09:46:21 11 to the back without spending more time on this. There's
09:46:25 12 another blurb at the bottom of the article at the very
09:46:29 13 end. This would be on the 11th page of Exhibit 3 and
09:46:34 14 Page 329. It says, "*Music Theory Spectrum*, Volume 43,
09:46:41 15 Issue 2, Page 324 to 29." It gives an ISSN number and
09:46:47 16 also an electronic ISSN number. It has a copyright
09:46:54 17 signification and says, "Published by Oxford University
09:46:56 18 Press" and so forth. "All rights reserved."

09:46:59 19 Can I just have you confirm that that also does
09:47:01 20 not indicate whether peer review applied to this article?

09:47:06 21 MS. QUIMBY: Objection; form.

09:47:08 22 A. This page does not indicate peer-review
09:47:17 23 procedures.

09:47:17 24 Q. (BY MR. ALLEN) Thanks. And you don't recall
09:47:22 25 anyone objecting to Philip Ewell's publication of his

09:47:26 1 plenary address in *Spectrum* under these conditions, do
09:47:30 2 you?

09:47:31 3 MS. QUIMBY: Objection; form.

09:47:31 4 A. I am not privy to conversations like that about
09:47:35 5 this piece.

09:47:35 6 Q. (BY MR. ALLEN) Do you recall anyone
09:47:37 7 circulating an open letter condemning Philip Ewell for
09:47:43 8 publishing something which didn't clearly indicate
09:47:46 9 whether it was peer reviewed or not?

09:47:46 10 A. I have no knowledge of whether such a letter
09:47:47 11 existed or didn't exist.

09:47:49 12 Q. Did anyone accuse Philip Ewell of racism for
09:47:54 13 publishing under those conditions, that he published that
09:47:57 14 2019 plenary address in *Spectrum*?

09:47:59 15 MS. QUIMBY: Objection; form.

09:48:00 16 A. I do recall -- I believe I recall hearsay that
09:48:15 17 Philip had an ax to grind against European music
09:48:22 18 theorists of the past.

09:48:24 19 Q. (BY MR. ALLEN) So that's -- that wasn't my
09:48:26 20 question. Maybe I phrased it unclearly.

09:48:29 21 Did it come to your attention that anyone
09:48:31 22 accused Philip Ewell particularly of racism for
09:48:37 23 publishing in *Spectrum* under the conditions that he
09:48:38 24 published his 2019 plenary address?

09:48:40 25 A. Strictly speaking, no, I recall no such thing.

09:48:45 1 Q. Thank you. That would be absurd, wouldn't it?

09:48:50 2 MS. QUIMBY: Objection; form.

09:48:51 3 A. No. In fact, it would be quite understandable.
09:48:54 4 I can imagine scholars accusing Philip Ewell of being
09:48:58 5 racist towards white European music theorists of the
09:49:03 6 past.

09:49:04 7 Q. (BY MR. ALLEN) For publishing without peer
09:49:06 8 review?

09:49:06 9 MS. QUIMBY: Objection; form.

09:49:06 10 A. I -- I don't see how that question follows.

09:49:10 11 Q. (BY MR. ALLEN) So I'm just going to represent
09:49:12 12 to you that Philip Ewell, himself, has testified that
09:49:14 13 that article was published without double blind peer
09:49:20 14 review. You don't recall anyone ever accusing of Philip
09:49:26 15 Ewell of racism for publishing the 2019 plenary address
09:49:27 16 without peer review?

09:49:29 17 A. I don't see why anybody would be accused of
09:49:32 18 racism for that specific reason.

09:49:34 19 Q. Right. And that was -- my follow-up question
09:49:36 20 was: That would be absurd, correct?

09:49:38 21 A. Correct.

09:49:39 22 MS. QUIMBY: Objection; form.

09:49:39 23 Q. (BY MR. ALLEN) Are you also aware of the
09:49:58 24 journal published by the University of North Texas Press
09:50:02 25 called *Theoria* or *Theoria*? I'm not sure how it's

09:50:05 1 pronounced actually.

09:50:07 2 A. I believe it's *Theoria*. Yes, I'm aware of that
09:50:09 3 publication.

09:50:10 4 Q. Have you ever submitted anything for
09:50:12 5 publication in *Theoria*?

09:50:14 6 A. I was solicited to submit a publication.

09:50:21 7 Q. Who solicited your publication in *Theoria*?

09:50:24 8 A. That was the editor Frank Heidleberger.

09:50:28 9 Q. When was this?

09:50:29 10 A. This was in late -- well, early -- yeah. Late
09:50:41 11 autumn of 2022.

09:50:43 12 Q. So roughly about two years ago?

09:50:48 13 A. Yes.

09:50:49 14 Q. And in your experience as an academic and a
09:50:53 15 music theorist, is that normal for an editor to solicit
09:51:00 16 contributions to his or her journal?

09:51:01 17 MS. QUIMBY: Objection; form.

09:51:02 18 A. When the -- when the contributions are -- let's
09:51:10 19 see -- like reprints of talks, lectures that take place,
09:51:15 20 this is a known practice, yes.

09:51:18 21 Q. (BY MR. ALLEN) Which was your talk -- I'm
09:51:19 22 sorry go ahead.

09:51:19 23 A. Yes. That was the nature of my submission to
09:51:22 24 that publication.

09:51:23 25 Q. I was just going to follow-up with that very

09:51:25 1 question.

09:51:26 2 So could you just for the record briefly
09:51:28 3 describe the nature of the piece that he was soliciting
09:51:31 4 from you?

09:51:32 5 A. Yes. The nature of the piece that he was
09:51:35 6 soliciting which I wrote was the transcript of a talk
09:51:39 7 that explained early modern keyboard tunings and how they
09:51:44 8 related to changing understandings of the natural world
09:51:51 9 in early modern Europe.

09:51:52 10 Q. Did you end submitting that to *Theoria*?

09:51:56 11 A. I did.

09:51:56 12 Q. Is that in press?

09:51:59 13 A. Yes, it has been published.

09:52:02 14 Q. I'm sorry, I'm just going to go back to your CV
09:52:11 15 which is Exhibit 2, just put that up again on screen.

09:52:34 16 MR. ALLEN: Mary, once again I'll try to
09:52:36 17 drop this in chat this time.

09:52:38 18 MS. QUIMBY: This is easier. The font is a
09:52:42 19 little bit bigger.

09:52:44 20 MR. ALLEN: I know. That should come
09:52:45 21 through.

09:52:45 22 Q. (BY MR. ALLEN) So is that one of the articles
09:52:47 23 that has since been published in the meantime that you --
09:52:51 24 since I think it was January 2024 that you drafted this
09:52:55 25 CV, Professor Chung?

09:52:57 1 MS. QUIMBY: Objection; form.

09:52:57 2 A. That is a publication that has been published.
09:53:00 3 It's not a peer-reviewed article. It's not something I
09:53:04 4 would list as a peer-reviewed article. It's not the same
09:53:07 5 scope of publication as a peer-reviewed article.

09:53:10 6 Q. (BY MR. ALLEN) So that was not peer reviewed
09:53:13 7 that you published in *Theoria*?

09:53:15 8 A. No.

09:53:16 9 Q. Is there any reason you don't list it on your
09:53:20 10 CV?

09:53:21 11 A. Because it was not ready at the time of this
09:53:25 12 CV.

09:53:26 13 Q. Uh-huh. Where would you sort it into your CV
09:53:29 14 if you were to list it today?

09:53:31 15 A. I would probably make a new section for it
09:53:36 16 under published conference proceedings or some equivalent
09:53:42 17 heading.

09:53:43 18 Q. Uh-huh. And was it in the 2022 volume of
09:53:47 19 *Theoria* that it came out?

09:53:49 20 A. No.

09:53:50 21 Q. Which volume?

09:53:51 22 A. 2024.

09:53:52 23 Q. Okay. So it must have come out very recently,
09:53:57 24 right?

09:53:58 25 A. Very recently. The past handful of months. I

09:54:02 1 don't remember when.

09:54:03 2 Q. And do you understand that that's the usual
09:54:07 3 practice of *Theoria*, to, from time to time, solicit
09:54:11 4 conference proceedings as you've described without peer
09:54:13 5 review?

09:54:13 6 A. I do not know what their normal practices are.
09:54:17 7 It's not a journal with which I'm deeply familiar.

09:54:21 8 Q. Are you aware that Philip Ewell published in
09:54:24 9 *Theoria*?

09:54:25 10 A. I do not know whether he has or has not
09:54:28 11 published in *Theoria*.

09:54:29 12 Q. You do know *Theoria* is published by the
09:54:34 13 University of North Texas Press, right?

09:54:34 14 A. Many things are published by the University of
09:54:38 15 North Texas Press.

09:54:38 16 Q. That wasn't my question.

09:54:40 17 You know that *Theoria* is published by the
09:54:43 18 University of North Texas Press, right?

09:54:44 19 A. Correct.

09:54:45 20 Q. Thanks.

09:54:45 21 Have you ever heard of anyone condemn *Theoria*
09:54:48 22 for publishing articles without peer review?

09:54:50 23 MS. QUIMBY: Objection; form.

09:54:51 24 A. I have not heard such -- such a thing.

09:54:56 25 Q. (BY MR. ALLEN) And I believe you referred to

1 the defendant Frank Heidleberger as the editor of
2 *Theoria*?

3 A. Yes. That is my correct understanding.

4 Q. Has anyone ever accused Frank Heidleberger of
5 racism for publishing articles without peer review to
6 your knowledge?

7 MS. QUIMBY: Objection; form.

8 A. To my knowledge I do not know whether he has or
9 has not.

10 Q. (BY MR. ALLEN) When you published your article
11 in *Theoria*, did you check *Theoria*'s editorial practices
12 to determine whether peer review was used by the journal?

13 MS. QUIMBY: Objection; form.

14 A. The assumption -- when the editor Frank
15 Heidleberger solicited the pieces, it was made clear
16 that -- I believe it was made clear that -- that the
17 articles would be -- would not be peer reviewed, because
18 they are not, strictly speaking, articles. They are
19 conference proceedings.

20 Q. (BY MR. ALLEN) Was it stated in your published
21 version of that article in *Theoria* that it was not peer
22 reviewed?

23 MS. QUIMBY: Objection; form.

24 A. Typically that -- that kind of thing, it would
25 be understood it's not peer reviewed, because, again,

09:56:11 1 it's published conference proceedings.

09:56:13 2 Q. (BY MR. ALLEN) Who -- who would understand
09:56:15 3 that?

09:56:15 4 A. People who know how to read journals in the
09:56:18 5 field.

09:56:19 6 Q. Other academics in music theory?

09:56:23 7 A. Other academics in music theory.

09:56:25 8 Q. And that's not unusual in your field of music
09:56:28 9 theory, right?

09:56:29 10 MS. QUIMBY: Object --

09:56:29 11 A. Not unusual for more informal types of
09:56:34 12 publications such as conference proceedings, publications
09:56:36 13 of talks that were delivered originally at a conference,
09:56:40 14 correct.

09:56:40 15 Q. (BY MR. ALLEN) And, again, just like Philip
09:56:43 16 Ewell's publication in *Spectrum*, that did not raise a
09:56:46 17 stir simply because it was published without peer review,
09:56:50 18 did it?

09:56:50 19 MS. QUIMBY: Objection; form.

09:56:51 20 A. To my knowledge, no such objections were
09:56:56 21 raised.

09:56:57 22 Q. (BY MR. ALLEN) You weren't the object of an
09:56:59 23 open letter by the Society for Music Theory simply
09:57:02 24 because you published something in *Theoria* without peer
09:57:06 25 review, right?

09:57:07 1 A. Correct.

09:57:11 2 MS. QUIMBY: Objection; form.

09:57:12 3 Q. (BY MR. ALLEN) So, Professor Chung, one thing
09:57:25 4 I forgot to tell you at the beginning is: If at any time
09:57:28 5 you want a break, just say so. I don't --

09:57:30 6 A. Okay.

09:57:30 7 Q. I obviously don't want you answering questions
09:57:33 8 if you're uncomfortable or you need to go to the bathroom
09:57:36 9 or something of that nature. I am going to transition
09:57:39 10 now talking about your relationship with Professor
09:57:40 11 Timothy Jackson, who is the plaintiff in this case.

09:57:43 12 A. Sure.

09:57:44 13 Q. We have been about an hour. So I was going to
09:57:46 14 ask if you would like a break. If you don't, we can just
09:57:48 15 keep going.

09:57:48 16 A. I'm happy to continue.

09:57:50 17 Q. Okay.

09:57:53 18 MS. QUIMBY: I would like to ask for a
09:57:55 19 break shortly. Maybe in the next 15 minutes. Is that
09:57:58 20 okay, or would you prefer to break now?

09:58:01 21 THE WITNESS: We can get -- sorry.

09:58:02 22 MR. ALLEN: Yeah. We're on the record. I
09:58:05 23 bet we can get through this in about 15 minutes or so.

09:58:08 24 Q. (BY MR. ALLEN) It's just a -- I'm just going
09:58:09 25 to ask about the nature of your relationship with Timothy

09:58:11 1 Jackson without getting into exhibits and so forth.

09:58:15 2 Okay, Professor Chung?

09:58:16 3 A. Sure. Fine by me.

09:58:17 4 Q. Sure. Thank you.

09:58:19 5 So first question is: Could you just please
09:58:22 6 explain for the record your relationship to Timothy
09:58:24 7 Jackson since you joined the faculty of the University of
09:58:28 8 North Texas?

09:58:28 9 A. We are employed by the same department in the
09:58:33 10 same university. His office is a handful of doors down
09:58:38 11 the hallway and around the corner from mine.

09:58:40 12 Q. What are your interactions with Timothy Jackson
09:58:45 13 as a faculty member at the University of North Texas?

09:58:48 14 A. I haven't had very many interactions with
09:58:51 15 Professor Jackson. As you recall, my hire was in 2019.
09:58:56 16 And shortly after, you know, we were beset by the COVID
09:59:04 17 pandemic and I really interacted with none of my
09:59:08 18 colleagues very much for a very long time due to the
09:59:14 19 unusual conditions of the -- of the COVID pandemic.

09:59:18 20 Q. That must have been difficult to start your
09:59:20 21 position -- your first position as an assistant professor
09:59:23 22 under those circumstances?

09:59:24 23 A. Yes. It was very unusual and unexpected.

09:59:28 24 Q. I'm happy that it seems that you're thriving,
09:59:34 25 Professor Chung, despite all of those setbacks.

09:59:36 1 A. Thank you.

09:59:36 2 Q. Did you ever work together with Timothy Jackson
09:59:36 3 on anything, excepting any work you might have done on
09:59:42 4 the Schenker controversy which we'll get to in a minute?

09:59:45 5 A. Other than serving together on some student
09:59:51 6 examination committees for students' doctoral exams.
09:59:55 7 Other than that, we've had no collaborative projects or
10:00:00 8 anything of the like.

10:00:01 9 Q. No joint publications of any sort?

10:00:04 10 A. No joint publications.

10:00:07 11 Q. What was Timothy Jackson's participation in the
10:00:13 12 student dissertation committees? Is that what you
10:00:14 13 described?

10:00:14 14 A. Exam committees. These are --

10:00:15 15 Q. Yes.

10:00:16 16 A. Students -- doctoral students have what are
10:00:21 17 called qualifying exams, exams that they take to move on
10:00:27 18 to the stage in which they write their PhD dissertations.
10:00:33 19 These -- these involve oral examinations on student
10:00:37 20 written essays. And Professor Jackson and myself were on
10:00:46 21 a handful of examining committees for one or two of our
10:00:52 22 students during the past academic year, '23 to '24. 2023
10:00:59 23 to 2024.

10:01:00 24 Q. Can you describe your direct experience of
10:01:02 25 Timothy Jackson's demeanor during those exams?

10:01:07 1 A. Polite and professional.

10:01:11 2 Q. Are you aware of any incident in which Timothy
10:01:19 3 Jackson was extorting students in any capacity, way,
10:01:25 4 shape, or form?

10:01:26 5 MS. QUIMBY: Objection; form.

10:01:27 6 A. Extorting students? I have no knowledge of
10:01:30 7 such phenomenon.

10:01:33 8 Q. (BY MR. ALLEN) Can you identify any specific
10:01:39 9 racist actions that you have direct knowledge of that
10:01:41 10 Timothy Jackson has engaged in?

10:01:44 11 A. I know of no such actions.

10:01:51 12 Q. If I said the same with regard to, quote,
10:01:55 13 racist behaviors, would your answer be the same?

10:01:59 14 MS. QUIMBY: Objection; form.

10:02:00 15 A. I know of no such accusations.

10:02:05 16 Q. (BY MR. ALLEN) I'm not asking about
10:02:06 17 accusations, which we'll get to in a minute. I'm asking
10:02:10 18 about specific, quote, racist behaviors that you have
10:02:14 19 direct knowledge of concerning Timothy Jackson's, quote,
10:02:16 20 behavior?

10:02:16 21 A. I have no direct knowledge of such actions.

10:02:24 22 Q. Have you learned of any actions that are,
10:02:28 23 quote, racist that Timothy Jackson allegedly engaged in
10:02:33 24 from graduate students?

10:02:35 25 MS. QUIMBY: Objection; form.

10:02:35 1 A. I have no direct knowledge.

10:02:38 2 Q. (BY MR. ALLEN) Does that mean you have no
10:02:43 3 direct knowledge of a graduate student coming to tell you
10:02:46 4 about them? So please understand I'm trying to make a
10:02:48 5 distinction here between direct knowledge which you may
10:02:51 6 have witnessed personally and something that a graduate
10:02:53 7 student might have told you about.

10:02:55 8 So do you mean -- and I'm just trying to clarify
10:03:02 9 your answer, if we could. Do you mean you have no
10:03:03 10 knowledge of a graduate student coming to you and
10:03:04 11 identifying a specific action that Timothy Jackson
10:03:09 12 committed that was, quote, racist?

10:03:09 13 MS. QUIMBY: Objection; form.

10:03:10 14 A. That is correct.

10:03:11 15 Q. (BY MR. ALLEN) Okay. And if I asked the same
10:03:26 16 question but just substituted behaviors for actions,
10:03:29 17 would your answer be the same?

10:03:30 18 MS. QUIMBY: Objection; form.

10:03:31 19 A. My answer would be the same.

10:03:35 20 Q. (BY MR. ALLEN) Thank you.

10:03:39 21 MR. ALLEN: So I was going to transition to
10:03:41 22 talking about the now rather famous *Journal of*
10:03:45 23 *Schenkerian Studies*, but you and your attorney had
10:03:47 24 requested a short break, and I think we got through that
10:03:51 25 section in less than ten minutes. So how about now?

10:03:54 1 MS. QUIMBY: Yes, please. Thank you.

10:03:56 2 MR. ALLEN: Could we go off the record,
10:03:58 3 please.

10:03:58 4 THE VIDEOGRAPHER: The time is 10:03 a.m.
10:04:00 5 We are off the record.

10:04:16 6 (Recess from 10:03 a.m. to 10:13 a.m.)

10:13:37 7 THE VIDEOGRAPHER: The time is 10:13 a.m.
10:13:39 8 We are on the record.

10:13:40 9 Q. (BY MR. ALLEN) Thank you, Professor Chung. I
10:13:41 10 wanted to ask you now about the *Journal of Schenkerian*
10:13:45 11 *Studies*. Can you explain your relationship to the
10:13:49 12 *Journal of Schenkerian Studies* from the time you joined
10:13:51 13 the faculty at the University of North Texas in 2019?

10:13:54 14 MS. QUIMBY: Objection; form.

10:13:55 15 A. I've had no relationship with the *Journal of*
10:13:55 16 *Schenkerian Studies*.

10:13:58 17 Q. (BY MR. ALLEN) Did you have any interactions
10:13:58 18 with the editorial staff of the *Journal of Schenkerian*
10:14:03 19 *Studies*?

10:14:03 20 MS. QUIMBY: Objection; form.

10:14:03 21 A. The editorial staff are students and colleagues
10:14:10 22 in the department. So, yes, I have interacted with them.
10:14:12 23 Not in regards to the *Journal of Schenkerian Studies*, per
10:14:19 24 se, I believe other than the emails about -- about --
10:14:28 25 asking about whether to do a colloquy. I'm sure you know

10:14:31 1 what I'm talking about.

10:14:32 2 Q. (BY MR. ALLEN) By that do you mean the call
10:14:35 3 for papers -- soliciting papers from the Society for
10:14:40 4 Music Theory?

10:14:40 5 A. Yes. Yes. That --

10:14:41 6 Q. Do you recall --

10:14:42 7 A. I'm sorry. To my knowledge that's the only
10:14:45 8 action I've had.

10:14:45 9 Q. Okay. And just for the record, that was in the
10:14:51 10 winter and early springtime period of 2019, 2020?

10:14:58 11 A. Correct.

10:15:00 12 Q. So describe, if you can remember, the process
10:15:08 13 in which you participated in the formulation or
10:15:12 14 contributed in any way to the call for papers that was
10:15:17 15 issued by the *Journal of Schenkerian Studies* that you
10:15:20 16 just described?

10:15:20 17 A. Sure. I did contribute to the formation of the
10:15:22 18 call of papers. I simply expressed my support that
10:15:26 19 the -- that considering to do such an issue would --
10:15:36 20 would be something that I think that I myself and other
10:15:40 21 members of the field would have been interested in.

10:15:42 22 Q. Do you recall when the call for papers went out
10:15:49 23 approximately?

10:15:49 24 A. I do not recall. I was not involved in
10:15:54 25 disseminating the call for papers.

10:15:55 1 Q. Okay. So after it went out, did you have any
10:15:58 2 further interactions with the journal until objections
10:16:03 3 began to erupt within the Society for Music Theory?

10:16:05 4 MS. QUIMBY: Objection; form.

10:16:06 5 A. I -- I do not believe so.

10:16:09 6 Q. (BY MR. ALLEN) Okay. I'm just going to mark
10:16:34 7 for the record as Exhibit No. 4 --

10:16:38 8 MR. ALLEN: Am I correct, Madam Court
10:16:40 9 Reporter, that I'm up to 4?

10:16:43 10 THE REPORTER: Yes, sir.

10:16:44 11 MR. ALLEN: I'm going to mark for the
10:16:46 12 record as Exhibit 4 an email that's captioned Response to
10:16:51 13 Ewell? It's an email dated December 11, 2019.

10:16:51 14 (Exhibit No. 4 marked.)

10:16:51 15 THE REPORTER: We have a Cari Jacoby who
10:16:51 16 wants to join.

10:17:09 17 MS. QUIMBY: She's with UNT.

10:17:09 18 MR. ALLEN: Who is that, Mary?

10:17:12 19 MS. QUIMBY: I'm sorry if you didn't hear
10:17:13 20 that. She is with the office of general counsel at UNT
10:17:18 21 with Renaldo.

10:17:19 22 MR. ALLEN: That's fine.

10:17:20 23 MS. QUIMBY: I'm sorry, I wasn't sure if
10:17:22 24 she would be joining us.

10:17:23 25 MR. ALLEN: That's -- no. That's fine. I

10:17:25 1 just had -- I'm sure you've brought her to my attention
10:17:28 2 before. I just didn't recognize the name. Sorry.

10:17:30 3 MS. QUIMBY: No problem.

10:17:32 4 Q. (BY MR. ALLEN) So back to Exhibit No. 4. Is
10:17:32 5 it -- well, let me present just you. You'll see over
10:17:40 6 here it's a four-page exhibit, Professor Chung.

10:17:44 7 A. Uh-huh.

10:17:45 8 Q. And I'm just going to scroll through it. I'm
10:17:48 9 not going to ask about all of it, but I don't want you to
10:17:51 10 think that I'm hiding something. This is a long email by
10:17:55 11 Timothy Jackson. You'll see his name is signed at the
10:18:00 12 end, at least electronically. Do you see that?

10:18:03 13 A. Uh-huh. Correct. Yes.

10:18:05 14 Q. He seems to be talking about some interactions
10:18:09 15 he's had with an individual named Eric Wen.

10:18:12 16 A. Uh-huh. Yes.

10:18:14 17 Q. Do you see this guy?

10:18:16 18 A. Yes, I see the name.

10:18:18 19 Q. Incidentally, do you know Eric Wen?

10:18:20 20 A. I do not know Eric Wen. I know that he exists.
10:18:24 21 I know his name. That is all.

10:18:25 22 Q. You don't know anything else about him?

10:18:28 23 A. No.

10:18:29 24 Q. Okay. So I'm presenting you with this email
10:18:33 25 because you'll recognize you're on it here in the

10:18:38 1 recipient line, Andrew Chung, correct?

10:18:40 2 A. Correct.

10:18:40 3 Q. This is your email that you use to conduct
10:18:44 4 business as an assistant professor of the University of
10:18:47 5 North Texas?

10:18:47 6 A. Correct.

10:18:48 7 Q. So in this email of December 11, 2019, Timothy
10:18:58 8 Jackson writes to you, among others who are in this
10:19:01 9 recipient line, "I have approached a number of
10:19:03 10 Schenkerians directly with request for comment on Ewell's
10:19:07 11 SMT presentation. We will receive publishable replies
10:19:11 12 from at least four outside distinguished scholars. Not
10:19:11 13 from Eric Wen, however, see below."

10:19:15 14 Did I read that correctly?

10:19:16 15 A. Correct.

10:19:17 16 Q. Do you remember getting this email?

10:19:20 17 A. I don't -- I -- my memory does not serve me
10:19:25 18 well enough to recall having received it or not received
10:19:28 19 it. I -- I believe the, you know, exhibit is a truthful
10:19:34 20 one.

10:19:34 21 Q. Do you remember in this time frame -- in this
10:19:39 22 general time frame Timothy Jackson raising the issue with
10:19:43 23 you and other colleagues of yours that there would be a
10:19:47 24 solicitation of papers for comment on Ewell's SMT
10:19:52 25 presentation?

10:19:52 1 MS. QUIMBY: Objection; form.

10:19:53 2 A. I -- I believe I do recall.

10:19:57 3 Q. (BY MR. ALLEN) And this SMT presentation, is
10:20:01 4 it understood or did you understand at the time that that
10:20:03 5 was referring to the plenary address at the 2019 SMT
10:20:08 6 conference?

10:20:09 7 A. Yes.

10:20:09 8 Q. As much as you can remember, do you remember
10:20:15 9 your response to this initiative?

10:20:18 10 MS. QUIMBY: Objection; form.

10:20:18 11 A. I don't recall whether I had a response or not
10:20:21 12 having a response other than expressing openness to the
10:20:24 13 idea of, you know, doing such a colloquy, which I believe
10:20:27 14 was before this date.

10:20:29 15 Q. (BY MR. ALLEN) Sure. And I think we'll get to
10:20:32 16 that in a second.

10:20:34 17 And I just want to ask some general questions.
10:20:38 18 Before July of 2020 did you suggest that Philip Ewell
10:20:43 19 should be contacted directly to solicit a response from
10:20:48 20 him individually to the -- what you were calling a
10:20:50 21 colloquium or a colloquy or what eventually was published
10:20:56 22 as the symposium in the *Journal of Schenkerian Studies*
10:20:56 23 Volume 12?

10:20:56 24 MS. QUIMBY: Objection; form.

10:20:57 25 A. I had no approval or disapproval of such a

10:21:01 1 measure.

10:21:02 2 Q. (BY MR. ALLEN) So you never -- you never
10:21:06 3 announced an objection before July of 2020 to the way in
10:21:10 4 which papers were solicited for Volume 12 of the *Journal*
10:21:16 5 *of Schenkerian Studies*?

10:21:16 6 MS. QUIMBY: Objection; form.

10:21:16 7 A. I did not.

10:21:17 8 Q. (BY MR. ALLEN) Before July of 2020 did you
10:21:26 9 express any objection to the symposium being published
10:21:29 10 without double blind peer review?

10:21:31 11 MS. QUIMBY: Objection; form.

10:21:32 12 A. I don't recall objecting or not objecting. I
10:21:40 13 don't recall objecting to it being published without
10:21:45 14 double blind peer review.

10:21:47 15 Q. (BY MR. ALLEN) If you did, would you have put
10:21:50 16 that in email?

10:21:50 17 MS. QUIMBY: Objection; form.

10:21:52 18 A. As the *Journal of Schenkerian Studies* is very
10:21:58 19 far outside of my business, I -- if I had held that view,
10:22:02 20 I would -- would have kept it to myself.

10:22:03 21 Q. (BY MR. ALLEN) Did you have that view at the
10:22:05 22 time that you kept to yourself?

10:22:07 23 A. I don't --

10:22:09 24 Q. I'm talking before July 2020.

10:22:11 25 A. I cannot -- I don't recall.

10:22:12 1 Q. Okay. What was your relationship to the
10:22:26 2 student -- the graduate student at the University of
10:22:30 3 North Texas Levi Walls at this time? And I'm talking,
10:22:32 4 again, about before July of 2020.

10:22:35 5 A. At this time Levi was simply, you know, one of
10:22:40 6 a number of students in the department. I had -- I had
10:22:42 7 no relationship with Levi other than knowing his name,
10:22:47 8 knowing what he looked like, seeing him in the hallways
10:22:51 9 from time to time.

10:22:51 10 Q. Did you ever discuss the *Journal of Schenkerian*
10:22:55 11 *Studies* with Levi Walls before July 2020?

10:22:58 12 A. I did not.

10:22:59 13 Q. Now, it's my understanding that Levi Walls is
10:23:05 14 now a mentee of yours. Is that accurate?

10:23:10 15 A. Yes, that is correct.

10:23:11 16 Q. Is he doing his dissertation under your
10:23:14 17 direction?

10:23:15 18 A. Correct.

10:23:16 19 Q. I'm sorry, you froze. Can you just restate the
10:23:21 20 answer for the record?

10:23:22 21 A. Correct.

10:23:22 22 Q. Thank you. What's -- is there an official
10:23:26 23 title for that in the -- in the MHTE division? Is it
10:23:33 24 dissertation advisor?

10:23:34 25 A. Yeah. I mean, there are a number of words that

10:23:36 1 are used to mean such a position of supervision.

10:23:43 2 Dissertation advisor, dissertation supervisor,
10:23:48 3 dissertation director. I can't recall which term our
10:23:50 4 bylaws and so forth uses specifically, but these are
10:23:54 5 equivalent terms.

10:23:56 6 Q. But whatever it is, you are -- you serve that
10:23:58 7 function for the graduate student Levi Walls who is a PhD
10:24:01 8 candidate?

10:24:01 9 A. Yeah. Levi Walls.

10:24:03 10 Q. When did you become the dissertation advisor to
10:24:14 11 Levi Walls?

10:24:14 12 A. I agreed during, I believe, the fall of 2020.

10:24:24 13 Q. It would have been after a controversy erupted
10:24:32 14 over the *Journal of Schenkerian Studies* in July 2020?

10:24:34 15 A. You cut out during the question. Please
10:24:37 16 repeat.

10:24:37 17 Q. Yes. Thank you.

10:24:39 18 You became Levi Walls dissertation advisor
10:24:43 19 shortly after the controversy that erupted around the
10:24:49 20 *Journal of Schenkerian Studies* around July 2020 then?

10:24:50 21 A. About five months after. Yes.

10:24:52 22 Q. Okay. Have you discussed with Levi Walls his
10:25:01 23 role in the *Journal of Schenkerian Studies* after becoming
10:25:07 24 his dissertation advisor?

10:25:07 25 A. Only to ask whether -- what -- what his title

10:25:12 1 was in the -- in Volume 12 of the journal.

10:25:21 2 Q. And what did he say?

10:25:22 3 A. I can't recall. I know that he -- he had an
10:25:25 4 official title. Assistant editor or student editor,
10:25:31 5 something of that sort.

10:25:32 6 Q. He hasn't discussed with you hints of helping
10:25:38 7 edit the journal in the summer and let's -- let's say
10:25:41 8 that 2019, 2020 time period?

10:25:44 9 MS. QUIMBY: Objection; form.

10:25:46 10 Q. (BY MR. ALLEN) Let me strike that question and
10:25:49 11 ask it more specifically.

10:25:50 12 So he hasn't discussed his experience of serving
10:25:54 13 on the editorial staff from, say, November of 2019 to
10:25:58 14 July of 2020 with you?

10:25:59 15 A. No. That is external to our advising
10:26:05 16 relationship. External to the topics of his research.

10:26:09 17 Q. When did you first learn that there was a
10:26:26 18 controversy surrounding Volume 12 of the *Journal of*
10:26:30 19 *Schenkerian Studies*?

10:26:30 20 MS. QUIMBY: Objection; form.

10:26:31 21 A. I believe it was -- well, it was in the summer
10:26:35 22 of 2020. I believe in July. I noticed some rather
10:26:42 23 rancorous commentary on what was then known as Twitter
10:26:44 24 regarding Volume 12 of the *Journal of Schenkerian*
10:26:44 25 *Studies*.

10:26:49 1 Q. (BY MR. ALLEN) And that's the platform now
10:26:51 2 known as X, correct?

10:26:53 3 A. That is the platform now known as X.

10:26:55 4 Q. Are you -- do you maintain an X or Twitter
10:26:58 5 account yourself?

10:26:58 6 A. I do.

10:26:59 7 Q. Is that how you became aware of it, then,
10:27:02 8 through your own Twitter feed?

10:27:04 9 A. That is correct.

10:27:05 10 Q. I hope we can agree. I'll just refer to it as
10:27:09 11 Twitter, but we know that includes X as well. I don't
10:27:14 12 really care when the platform changed its name. Is that
10:27:17 13 -- is that okay, to have that understanding in your
10:27:20 14 testimony today?

10:27:20 15 A. Uh-huh. Understood.

10:27:22 16 Q. Thank you. So what did you begin to hear?

10:27:26 17 A. I began to hear -- I can't recall the specific
10:27:30 18 comments of these tweets, posts on the platform at the
10:27:37 19 moment. I remember that they expressed quite a bit of
10:27:42 20 disapprobation. On what specific points the Twitter
10:27:47 21 discourse was objecting to I cannot at this point recall
10:27:50 22 now that it's four years past.

10:27:54 23 Q. Do you know if those tweets that you were
10:28:00 24 getting in your feed have been produced in discovery in
10:28:04 25 this case?

10:28:05 1 MS. QUIMBY: Objection; form.

10:28:07 2 A. I do not know whether they have or have not.

10:28:10 3 Q. (BY MR. ALLEN) Have you ever provided any
10:28:12 4 tweets from your Twitter feed to your counsel so that
10:28:15 5 they could be provided in discovery?

10:28:20 6 A. I cannot recall.

10:28:21 7 Q. You can't recall because it didn't happen or
10:28:24 8 you can't recall because it may have happened and you've
10:28:27 9 forgotten?

10:28:28 10 MS. QUIMBY: Objection; form.

10:28:28 11 A. I can't -- I can't recall because I may have
10:28:34 12 forgotten and I -- I don't believe that I provided tweets
10:28:39 13 to counsel.

10:28:41 14 Q. (BY MR. ALLEN) So I'm sorry, you don't believe
10:28:50 15 you did provide those to your counsel?

10:28:52 16 A. To the best of my knowledge I don't believe so.

10:28:55 17 Q. Okay. Was there specific content in Volume 12
10:29:10 18 that was particularly the object of these objections via
10:29:17 19 Twitter?

10:29:18 20 A. I can't recall the specific content of the
10:29:21 21 objections that were over Twitter in July 2020.

10:29:24 22 Q. Okay. If you had those tweets in front of you,
10:29:30 23 would that serve to refresh your memory?

10:29:32 24 A. Presumably, yes.

10:29:34 25 Q. And what -- so this is how you first learned of

10:29:42 1 it, through the social media platform Twitter?

10:29:47 2 A. True.

10:29:47 3 Q. Once you -- sorry. Go ahead.

10:29:48 4 A. Yes. Yes. Through social media Twitter.

10:29:51 5 Q. And so after that what -- what happened?

10:29:53 6 A. After that I wrote an email to my department to
10:30:00 7 some number of my department colleagues, I believe it was
10:30:02 8 not all of them, notifying -- notifying some number of
10:30:07 9 colleagues -- and I can't remember which ones they
10:30:09 10 were -- that there is some rancorous sentiment being
10:30:15 11 circulated over social media about the journal.

10:30:18 12 Q. Do you have any personal knowledge of any
10:30:22 13 policy of the University of North Texas that makes
10:30:24 14 Twitter some sort of editorial authority over the
10:30:28 15 journals published by the UNT Press?

10:30:30 16 MS. QUIMBY: Objection; form.

10:30:31 17 A. Editorial authority, no.

10:30:33 18 Q. (BY MR. ALLEN) So, then, you notified your
10:31:12 19 colleagues I believe by email, you just said, and what --
10:31:15 20 what happened then?

10:31:21 21 A. I recall that my colleagues agreed that it
10:31:25 22 could potentially be a cause for concern, and that was
10:31:30 23 what I recall happening subsequently.

10:31:34 24 Q. Do you know, as you sit here today, what the
10:31:37 25 journal was accused of doing?

10:31:39 1 MS. QUIMBY: Objection; form.

10:31:40 2 A. I believe that the accusations had some kind of
10:31:51 3 objection to racially insensitive remarks. I can't
10:31:56 4 recall if the peer-review issue was -- was raised in the
10:32:01 5 Twitter discourse though.

10:32:03 6 Q. (BY MR. ALLEN) Do you know if remarks were
10:32:06 7 identified as -- what did you say, racially insensitive?
10:32:10 8 Is that how you put it?

10:32:11 9 A. Uh-huh.

10:32:12 10 Q. Which in particular, if you recall?

10:32:13 11 A. I don't recall Twitter -- the Twitter discourse
10:32:18 12 identifying particular remarks as such.

10:32:22 13 Q. Since you cut out, did you say you don't
10:32:27 14 recall -- could you just restate because I didn't hear
10:32:29 15 it.

10:32:29 16 A. I don't recall on Twitter that any content on
10:32:36 17 Twitter singled out particular marks or particular
10:32:40 18 paraphrases of remarks.

10:32:41 19 Q. And other than Twitter were particular
10:32:44 20 publications or statements in Volume 12 of the *Journal of*
10:32:49 21 *Schenkerian Studies* called out as racially insensitive?

10:32:53 22 MS. QUIMBY: Objection; form.

10:32:55 23 A. At that time in 2000- -- July 2020, no
10:33:01 24 publications had yet -- no other publications had yet
10:33:06 25 responded.

10:33:09 1 Q. (BY MR. ALLEN) So is your answer you don't
10:33:13 2 recall any other specific content of Volume 12 of the
10:33:22 3 *Journal of Schenkerian Studies* at that time that was
10:33:23 4 being identified as particularly racist or racially
10:33:28 5 insensitive or however it was being put in the discourse
10:33:31 6 at that time?

10:33:32 7 A. At that time when -- when, you know,
10:33:35 8 expressions of disapproval were starting to circulate on
10:33:38 9 social media, no, I don't recall any other
10:33:41 10 publications --

10:33:42 11 Q. Okay.

10:33:44 12 A. -- remarking on the journal.

10:33:46 13 Q. I'm going to take that down. Because I wanted
10:34:29 14 to bring up -- I'm not sure of where we are in the
10:34:33 15 record.

10:34:34 16 MR. ALLEN: Madam Court Reporter, are we on
10:34:35 17 Exhibit 5, please?

10:34:37 18 THE REPORTER: Yes, sir.

10:34:42 19 MR. ALLEN: Thank you. I'm going to mark
10:34:43 20 for the record as Exhibit 5 an email -- well, it begins
10:34:53 21 with an email of July 25, 2020, from Stephen Slottow to
10:34:58 22 various members of the faculty, and I believe you'll see
10:35:02 23 that you are also included, Professor Chung.

10:35:02 24 THE WITNESS: Uh-huh.

10:35:17 25 MR. ALLEN: And I'm going to drop that --

10:35:19 1 hold on. I will drop it in the chat. Let me -- before I
10:35:24 2 publish it to the record, I'm going to rename it so it's
10:35:27 3 clear. Again, Exhibit 5.

10:36:27 4 (Exhibit No. 5 marked.)

10:36:27 5 Q. (BY MR. ALLEN) Okay. Sorry about the delay.
10:36:30 6 Professor Chung, do you see Exhibit No. 5?

10:36:32 7 A. Yes.

10:36:32 8 Q. Like many emails, it sort of begins at the end,
10:36:37 9 so we're just going to skip down. Exhibit 5 begins with
10:36:42 10 an email from you, Andrew Chung, to Benjamin Graf, Diego
10:36:49 11 Cubero and Ellen Bakulina, on July 25, 2020, in the early
10:36:52 12 evening at 7:08 p.m. Did I read that caption directly?

10:36:56 13 A. Correct.

10:36:57 14 Q. Scan through this just to give you a sense what
10:37:03 15 we'll be talking about. You'll see the chain progresses.
10:37:09 16 Eventually additional commentators join. There's a
10:37:11 17 discussion by Levi Walls, Timothy Jackson, and then the
10:37:17 18 lead email is by Stephen Slottow to you, in addition to
10:37:22 19 another faculty and Levi Walls. Did I characterize that
10:37:27 20 more or less correctly?

10:37:29 21 A. Yes.

10:37:29 22 Q. Okay. So if you'll allow me to start at the
10:37:32 23 end, you had referred to an email you sent once you
10:37:37 24 noticed things were beginning to -- I believe you said
10:37:45 25 become rancorous on Twitter, right?

10:37:49 1 A. Uh-huh. Correct.

10:37:49 2 Q. Is this that email to the best of your
10:37:52 3 remember?

10:37:52 4 A. This is -- this is the email to which I was
10:37:54 5 referring, yes.

10:37:55 6 Q. And just skipping forward, you say, "But via
10:37:58 7 Twitter I have been seeing that there has been some early
10:38:01 8 and vociferous pushback re: the new issue of JSS, with
10:38:06 9 concerns that Philip Ewell wasn't invited to respond and
10:38:09 10 that there is an anonymous contribution."

10:38:11 11 I read that portion correctly?

10:38:13 12 A. Correct.

10:38:14 13 Q. And by "JSS" we understand that we're referring
10:38:18 14 to *Journal of Schenkerian Studies*, right?

10:38:20 15 A. Correct.

10:38:21 16 Q. And did you continue to participate in this
10:38:25 17 conversation via email or otherwise?

10:38:28 18 A. There's -- there's a subsequent message from
10:38:34 19 me. Other than that, I don't believe any that I --

10:38:38 20 Q. Okay.

10:38:39 21 A. -- was involved in.

10:38:41 22 Q. Okay.

10:38:42 23 A. Proceedings after that point.

10:38:43 24 Q. Thank you. And do you recall your colleague
10:38:48 25 Ellen Bakulina saying that she had seen a similar

10:38:50 1 reaction on Facebook? This is the next email in the
10:38:54 2 chain.

10:38:54 3 A. I don't -- I don't recall it, per se. But
10:38:59 4 it's -- it's here in the email thread. Yes, I believe is
10:39:03 5 it.

10:39:03 6 Q. And do you have any knowledge of Facebook --
10:39:07 7 the social media platform Facebook serving any role in
10:39:10 8 the editorial process of journals at the University of
10:39:15 9 North Texas Press?

10:39:15 10 A. I know of no such practice.

10:39:17 11 Q. Is Facebook a particularly scholarly forum?

10:39:20 12 A. It is not.

10:39:21 13 Q. And here's the second email from you, I
10:39:25 14 believe, a little bit later in the evening at 8:32.
10:39:29 15 "Please feel free to forward this message to anyone you
10:39:32 16 think would be appropriate." Right?

10:39:33 17 A. Correct.

10:39:34 18 Q. So is it fair to say that you were bringing
10:39:37 19 your colleagues -- to your colleagues attention this --
10:39:41 20 what seemed to be a rapidly developing controversy?

10:39:46 21 MS. QUIMBY: Objection; form.

10:39:47 22 A. Yes. A rapidly developing potential for
10:39:51 23 controversy.

10:39:52 24 Q. (BY MR. ALLEN) Okay. Did it develop into a
10:39:59 25 full-blown controversy?

10:40:02 1 MS. QUIMBY: Objection; form.

10:40:02 2 A. I think that most people would agree that it
10:40:05 3 developed into -- into a point of contention, yes.

10:40:09 4 Q. (BY MR. ALLEN) Thank you. So here's an email
10:40:15 5 on July 25 at about 9:00, 8:55 p.m., by Levi Walls. Do
10:40:18 6 you see that email in Exhibit 5?

10:40:22 7 A. Yes.

10:40:23 8 Q. And this is a student who would become your
10:40:28 9 graduate student or at least in your role as a
10:40:30 10 dissertation advisor. Can I ask you to read that email
10:40:33 11 carefully, please?

10:40:34 12 A. Okay. I'm finished reading.

10:40:56 13 Q. Sure. I just have a question in the first
10:40:59 14 sentence. Well, in the second sentence actually. He
10:41:02 15 says, "I just heard about this." Referring to what you
10:41:05 16 and Ellen Bakulina have identified. Is that your
10:41:10 17 understanding of the email?

10:41:11 18 A. Correct.

10:41:11 19 Q. Would you have received this email at the time?

10:41:15 20 A. I believe I did receive this, yes.

10:41:17 21 Q. I only ask because, unlike some of the other
10:41:22 22 emails, it doesn't seem to have the full received line on
10:41:28 23 it.

10:41:30 24 He then goes on, Mr. Walls, to say, "It's very
10:41:35 25 worrying, especially as I don't want my career to be

10:41:38 1 ruined before it properly began. I have a family to take
10:41:40 2 care of now. I'm also confused about what exactly people
10:41:44 3 want."

10:41:44 4 Did I read that right?

10:41:45 5 A. Correct.

10:41:46 6 Q. How did you understand what Mr. Walls was
10:41:53 7 particularly afraid of at this time?

10:41:57 8 MS. QUIMBY: Objection; form.

10:41:58 9 A. With the caveat that, you know, I don't have
10:42:02 10 omniscient access to the internal --

10:42:04 11 Q. (BY MR. ALLEN) Sure.

10:42:05 12 A. -- cognition of others, I believe that Levi, in
10:42:11 13 his position as student editor or assistant editor or
10:42:15 14 editor of the journal, was worried about being --
10:42:20 15 being -- about his reputation being jeopardized by
10:42:24 16 association with the -- the controversy in regards to the
10:42:32 17 journal.

10:42:33 18 Q. And have you and he talked about that
10:42:36 19 subsequently as his dissertation advisor?

10:42:41 20 A. I don't believe so.

10:42:42 21 Q. In your role as his dissertation advisor have
10:42:44 22 you witnessed any harm that has come to his career
10:42:46 23 because he participated in the *Journal of Schenkerian*
10:42:49 24 *Studies*?

10:42:49 25 MS. QUIMBY: Objection.

10:42:50 1 A. Not to my knowledge.

10:42:51 2 Q. (BY MR. ALLEN) And did you understand this
10:42:56 3 email to be expressing his fear of some sort of, quote,
10:43:03 4 power differential between him and Professor Timothy
10:43:05 5 Jackson?

10:43:05 6 MS. QUIMBY: Objection; form.

10:43:06 7 A. Power differential? I mean, there's always a
10:43:11 8 power differential between students and professors.
10:43:14 9 That's understood.

10:43:15 10 Q. (BY MR. ALLEN) Sure. Do you -- do you
10:43:18 11 understand him to be expressing in this email, especially
10:43:21 12 did you understand at the time -- let me strike that
10:43:23 13 question, ask this.

10:43:23 14 Did you understand at the time that Mr. Levi
10:43:27 15 Walls was objecting to a so-called power differential
10:43:31 16 between him and Professor Jackson in this email?

10:43:34 17 MS. QUIMBY: Objection; form.

10:43:34 18 A. In this email I don't recall -- I -- I don't
10:43:46 19 believe that he was expressing sentiments related to a
10:43:55 20 power differential, no.

10:43:56 21 Q. (BY MR. ALLEN) Picking up on what you said
10:43:58 22 about the inherent difference between a dissertation
10:44:01 23 advisor and the student, the graduate student, that
10:44:04 24 there's an inherent power differential, that so-called
10:44:07 25 power differential exists between you and Mr. Walls now,

10:44:10 1 right?

10:44:10 2 A. In any student-teacher relationship, a power
10:44:14 3 differential exists.

10:44:15 4 Q. Sure. Is it your experience of Professor
10:44:20 5 Walls -- excuse me. Strike that, please.

10:44:21 6 Is it your experience of Mr. Walls that this
10:44:27 7 power differential prevents him from exercising his own
10:44:34 8 agency in your relationship to him?

10:44:36 9 MS. QUIMBY: Objection; form.

10:44:36 10 A. I mean, strictly speaking -- strictly speaking,
10:44:42 11 no. But teachers are -- you know, teachers are
10:44:46 12 considered -- are considered influential authorities on
10:44:51 13 topics. Students often feel pressure to take the advice
10:44:58 14 or take the recommendations of their professors.

10:45:03 15 Q. (BY MR. ALLEN) I'm talking about your direct
10:45:05 16 experience of Mr. Walls. In your experience with him as
10:45:08 17 his dissertation advisor, do you feel that he's reluctant
10:45:13 18 to speak his mind to you?

10:45:16 19 A. Not more than any other students. I -- you
10:45:22 20 know, students choose their words carefully around their
10:45:25 21 advisors if they're -- if they are smart. As they would
10:45:30 22 with any authorities in a supervisory capacity over them.

10:45:36 23 Q. And when you were a graduate student at Yale,
10:45:39 24 did this power differential affect you in your
10:45:42 25 relationship with your dissertation advisor?

10:45:43 1 MS. QUIMBY: Objection; form.

10:45:44 2 A. Of course. This power differential, like I
10:45:46 3 said, is in every student-teacher relationship.

10:45:49 4 Q. (BY MR. ALLEN) Would you state for the record
10:45:51 5 whether you believe that, quote, power differential
10:45:54 6 affected your ability to think independently in your own
10:45:56 7 dissertation

10:45:56 8 MS. QUIMBY: Objection; form.

10:45:57 9 A. I don't believe that it affected my ability to
10:46:06 10 think independently. But, of course, I received advice
10:46:09 11 and cautions that I would not have known to be cognizant
10:46:16 12 of from the dissertation advisor who I had who was in a
10:46:23 13 position of greater power over me in that relationship.

10:46:27 14 Q. (BY MR. ALLEN) Is it fair to say that's
10:46:29 15 inherent in the mentor/mentee relationship?

10:46:31 16 A. That is inherent to the mentor/mentee
10:46:34 17 relationship.

10:46:35 18 Q. So your answer is yes?

10:46:36 19 A. Yes.

10:46:36 20 Q. Thank you. And just back to Mr. Walls, you
10:46:39 21 don't -- you don't have any reason to think that he's so
10:46:43 22 weak that he has no independent will as your dissertation
10:46:48 23 advisee, do you?

10:46:48 24 A. I have no reason to believe such a thing.

10:46:51 25 Q. Did you ever witness him to be bereft of an

10:46:55 1 independent will when he worked with [audio cut out]?

10:47:00 2 THE REPORTER: You cut out at the end.

10:47:03 3 MR. ALLEN: Let me rephrase.

10:47:04 4 Q. (BY MR. ALLEN) Did you have any reason to
10:47:06 5 believe, at the time these emails were being sent back
10:47:09 6 and forth, that Mr. Walls was bereft of his independent
10:47:14 7 will in working with Professor Jackson?

10:47:15 8 MS. QUIMBY: Objection; form.

10:47:16 9 A. I have no knowledge of the dynamics of -- of
10:47:20 10 Professor Jackson's advisory -- dissertation advisory
10:47:25 11 capacity, dissertation relationship -- dissertation
10:47:27 12 advisory relationship with Levi Walls.

10:47:30 13 Q. (BY MR. ALLEN) In these emails that were
10:47:33 14 exchanged back and forth in which Mr. Walls took part,
10:47:36 15 did you have reason to believe that he had been bereft of
10:47:41 16 his own independent will in his work on the *Journal of*
10:47:45 17 *Schenkerian Studies*?

10:47:45 18 MS. QUIMBY: Objection; form.

10:47:45 19 A. I do not believe that he was bereft of his own
10:47:49 20 independent will.

10:47:50 21 Q. (BY MR. ALLEN) Thank you. And just to follow
10:47:57 22 up on your relationship with Mr. Walls, how close would
10:48:00 23 you describe your relationship with mentee and advisee of
10:48:07 24 Mr. Walls at this time?

10:48:08 25 A. Somewhat close. We correspond maybe once a

10:48:10 1 month, once every two months.

10:48:13 2 Q. I assume you have a residence somewhere in the
10:48:16 3 -- in the Denton area near the University of North Texas,
10:48:19 4 correct?

10:48:20 5 A. At the moment, no.

10:48:21 6 Q. While you were teaching at the University of
10:48:29 7 North Texas, do you live in the Dallas area?

10:48:30 8 A. While teaching and -- so not -- meaning not
10:48:34 9 this year, prior to this year --

10:48:35 10 Q. Yes.

10:48:36 11 A. -- and after this year, yes, I have had a
10:48:38 12 residence in -- around Dallas.

10:48:41 13 Q. Have you had Mr. Walls over to your home?

10:48:44 14 A. Nope.

10:48:45 15 Q. Have you ever visited Mr. Walls at his home?

10:48:49 16 A. Nope.

10:48:49 17 Q. Do you primarily meet in your office at UNT?

10:48:54 18 A. Primarily, yes.

10:48:56 19 Q. Is Mr. Walls in residence at the -- in Dallas?

10:49:00 20 A. Currently, no.

10:49:01 21 MS. QUIMBY: Object to form.

10:49:03 22 Q. (BY MR. ALLEN) Where is he now?

10:49:05 23 A. Mr. Walls is in residence in California while
10:49:11 24 writing his dissertation.

10:49:16 25 Q. And do you know when he left for California?

10:49:19 1 A. Yes. He left the Denton area for California
10:49:24 2 in -- this year in -- I believe in June.

10:49:31 3 Q. So it's very recent?

10:49:36 4 A. Quite recent.

10:49:36 5 Q. Okay. I'm sorry, going back to Exhibit 5.
10:49:46 6 Based on Mr. Walls' response here in this email of
10:49:52 7 July 25, was there an intent to exclude Ewell from
10:49:58 8 responding to the *Journal of Schenkerian Studies*?

10:49:58 9 MS. QUIMBY: Objection; form.

10:49:58 10 A. I do not know whether there was or was not
10:50:04 11 intent to exclude Professor Ewell.

10:50:07 12 Q. (BY MR. ALLEN) He says here, if you look at
10:50:12 13 the -- sorry. I'm going to try to highlight this. He
10:50:17 14 says, "We could publish something in the upcoming volume
10:50:20 15 if that is what people want, but he couldn't" -- meaning
10:50:23 16 Ewell -- "he couldn't have responded to responses that
10:50:26 17 hadn't yet come out."

10:50:27 18 Did I read that correctly?

10:50:28 19 A. Correct.

10:50:28 20 Q. And you understand "he" in that sentence to
10:50:31 21 refer to Philip Ewell, right?

10:50:33 22 A. Correct.

10:50:35 23 Q. Did you understand that to indicate an
10:50:38 24 intention to exclude Philip Ewell from responding in the
10:50:41 25 pages of the *Journal of Schenkerian Studies* to Volume 12?

10:50:45 1 MS. QUIMBY: Objection; form.

10:50:46 2 A. I take this as an indication that Levi was not
10:50:56 3 privy to whether -- was not privy to -- sorry. Let me --
10:51:02 4 let me rephrase that.

10:51:04 5 I take this as an indication that -- that
10:51:08 6 Levi's understanding is that Philip Ewell hadn't been
10:51:13 7 contacted. And I take this to mean that Levi's
10:51:19 8 understanding is that Professor Ewell, you know, wasn't
10:51:27 9 meant to be contacted by the other editorial staff of the
10:51:33 10 journal.

10:51:33 11 Q. (BY MR. ALLEN) Do you know if Mr. -- excuse
10:51:36 12 me. Do you know if Professor Ewell was contacted by
10:51:40 13 Ellen Bakulina?

10:51:40 14 MS. QUIMBY: Objection; form.

10:51:41 15 A. I do not know.

10:51:44 16 Q. (BY MR. ALLEN) You and Professor Bakulina
10:51:47 17 never discussed that?

10:51:47 18 MS. QUIMBY: Objection; form.

10:51:48 19 A. No.

10:51:48 20 Q. (BY MR. ALLEN) Do you have any knowledge of
10:51:51 21 anything that prevented Professor Bakulina from
10:51:55 22 contacting Philip Ewell and inviting him to participate
10:51:58 23 in Volume 12 I mean?

10:51:59 24 MS. QUIMBY: Objection; form.

10:52:00 25 A. I know of no such, you know, preventative

10:52:07 1 barrier or measure, no.

10:52:09 2 Q. (BY MR. ALLEN) So here, then, above Mr. Walls'
10:52:14 3 email is one by Timothy Jackson. He addresses you
10:52:23 4 directly, saying, "Andrew, perhaps if you feel it
10:52:28 5 necessary, you can inform people that they can write to
10:52:31 6 me using email. Unlike our current president, I do not
10:52:34 7 use Twitter. But if they want to send me an email, you
10:52:37 8 can give them any UNT email address. That will be the
10:52:42 9 official response for now."

10:52:44 10 Did I read that correctly?

10:52:45 11 A. Yes.

10:52:45 12 Q. And that's Timothy email -- Timothy Jackson's
10:52:47 13 email on Saturday, July 25 at 9:47 p.m.?

10:52:51 14 A. Correct.

10:52:51 15 Q. Okay. Do you remember getting that email and
10:52:56 16 that instruction from Timothy Jackson?

10:52:58 17 A. I don't recall getting that specific email.
10:53:00 18 But seeing it in front of me, you know, I believe it took
10:53:04 19 place.

10:53:04 20 Q. Well, my volume question was going to be: Did
10:53:08 21 you take any action in response to that?

10:53:10 22 A. I did not.

10:53:10 23 Q. Okay. Then there's an email finally from
10:53:17 24 Professor Slottow and you are on the cc line right here?

10:53:24 25 A. Uh-huh. Yes.

10:53:25 1 Q. Did you -- did you recall receiving this email
10:53:28 2 of July 25, 2020, at, looks like, about 10:30 at night,
10:53:33 3 10:28?

10:53:33 4 A. I believe I remember receiving this one. I
10:53:40 5 certainly -- you know, I see it in front of me and I
10:53:43 6 believe that I -- that I definitely received it.

10:53:45 7 Q. And Professor Slottow characterized the
10:53:50 8 situation, in that second paragraph, "Here's how I see
10:53:54 9 it. Ewell gave a talk at" the -- "at SMT to which there
10:53:58 10 was no opportunity to respond."

10:53:59 11 Did I read that correctly?

10:54:00 12 A. That is correct.

10:54:01 13 Q. Do you recall anyone objecting that that wasn't
10:54:06 14 true at the time?

10:54:07 15 MS. QUIMBY: Objection; form.

10:54:08 16 A. I recall no such objection.

10:54:11 17 Q. (BY MR. ALLEN) And then he goes on, "The JSS
10:54:17 18 initiative was for the purpose of giving Schenkerians an
10:54:20 19 opportunity to respond to Ewell's comments since they had
10:54:23 20 no opportunity at SMT."

10:54:25 21 Did I read that correctly?

10:54:26 22 A. Correct.

10:54:27 23 Q. Just to back up a bit, did you understand
10:54:30 24 Philip Ewell's talk in November of 2019 at the Society
10:54:35 25 for Music Theory to be a general critique of Schenkerians

1 in the field?

2 A. Not per se. I understood it to be raising the
3 question of the ways in which, you know, music
4 theoretical methods are -- may carry baggage from
5 unsavory views that their historical authors held, and
6 Schenker and Schenkerians were adduced as a case study.

7 Q. Do you recall him arguing that Schenkerian
8 scholars had, quote, whitewashed Heinrich Schenker?

9 MS. QUIMBY: Objection; form.

10 A. I do recall that pronouncement, yes.

11 Q. (BY MR. ALLEN) Do you consider yourself a
12 Schenkerian scholar?

13 A. Not in any way.

14 Q. Okay. So he also says, going on, "The feeling
15 was that he had already had his say" -- meaning Ewell had
16 had his say -- "now some Schenkerians could have theirs."

17 Did I read that correctly?

18 A. Correct.

19 Q. At the time did you find anything objectionable
20 about how Stephen Slottow had characterized Volume 12?

21 MS. QUIMBY: Objection; form.

22 A. I don't believe so. I -- I would not be
23 surprised if -- you know, if I -- if I believed at the
24 time that it would have been in good taste for the
25 editors of the journal to have asked Professor Ewell to

10:56:23 1 submit a response to the pieces that were collected for
10:56:29 2 the issue.

10:56:31 3 Q. (BY MR. ALLEN) Are you aware that Philip Ewell
10:56:37 4 made a statement to the *Denton Record Chronicle* that he
10:56:41 5 refused to read Volume 12 of the *Journal of Schenkerian*
10:56:43 6 *Studies*?

10:56:43 7 A. I -- I do not remem- -- I don't remember this
10:56:47 8 information, no.

10:56:48 9 Q. Do you read the *Denton Record Chronicle* --
10:56:51 10 *Denton Record Chronicle*? Excuse me.

10:56:54 11 A. I do not.

10:56:54 12 Q. Okay. Do you consider it professional of an
10:57:00 13 academic scholar to announce that he or she will not read
10:57:04 14 essays in which their critics are publishing viewpoints
10:57:08 15 contrary to their own?

10:57:10 16 MS. QUIMBY: Objection; form.

10:57:10 17 A. Scholars are free to read as they please or
10:57:16 18 decline to read.

10:57:18 19 Q. (BY MR. ALLEN) Well, of course --

10:57:19 20 A. I see that neither as professional or
10:57:21 21 unprofessional.

10:57:22 22 Q. Okay. That was going to be my question.

10:57:24 23 So your testimony today is that you don't see
10:57:26 24 it as professional or unprofessional to refuse to read
10:57:28 25 the publications of your critics?

10:57:30 1 A. Without -- without further contextualizing
10:57:34 2 information, I -- I can't, you know, answer that question
10:57:37 3 with clarity and divinity in the abstract and
10:57:41 4 hypothetical.

10:57:41 5 Q. Okay. Well, I'm not being abstract. I'm
10:57:44 6 telling you -- and I want you to assume it's true -- that
10:57:47 7 Philip Ewell told the *Denton Record Chronicle* that he
10:57:50 8 refused to read Volume 12 of the *Journal of Schenkerian*
10:57:54 9 *Studies*. And my question for you is: In that context,
10:57:58 10 is it professional for a scholar to refuse to read the
10:58:02 11 essays of their critics?

10:58:02 12 MS. QUIMBY: Objection.

10:58:03 13 A. If they believe if it's in their -- in their
10:58:04 14 best interest not to read, then -- then yes. I believe
10:58:09 15 it's acceptable professional conduct to decline even if
10:58:13 16 it's the writings of ones critics.

10:58:18 17 Q. (BY MR. ALLEN) And is it reasonable to expect
10:58:20 18 a journal to invite someone to participate in a symposium
10:58:27 19 when they declare they won't read it?

10:58:29 20 MS. QUIMBY: Objection.

10:58:31 21 A. I wouldn't -- I wouldn't say that it's like a
10:58:33 22 tacit unspoken rule that should be followed. I -- I
10:58:36 23 believe that the majority of people in the field would
10:58:38 24 say that it's in good taste and a good practice for
10:58:41 25 editors to -- to invite a response.

10:58:45 1 Q. (BY MR. ALLEN) Do you have any reason to
10:58:46 2 believe that the announcement that went out soliciting
10:58:51 3 papers to the Volume 12 of the *Journal of Schenkerian*
10:58:53 4 *Studies* was not received by Philip Ewell?

10:58:56 5 A. Without seeing the call for papers in front of
10:59:02 6 me, I'm -- I'm -- I'm unaware.

10:59:06 7 Q. Sure. Do you get the emails that are sent out
10:59:10 8 over the SMT server list?

10:59:13 9 A. To which list are you referring? What is the
10:59:16 10 -- the exact title?

10:59:16 11 Q. Yeah.

10:59:17 12 A. There are a handful of lists. That's why I
10:59:21 13 ask.

10:59:21 14 Q. No, no. And that's perfectly -- let's see.
10:59:24 15 Let me take down this exhibit, and we'll get to exactly
10:59:27 16 what I'm talking about here. Not that. Here we go.

11:00:19 17 MR. ALLEN: I'm going to mark for the
11:00:21 18 record as Exhibit 6. These are a large body of emails.

11:00:21 19 (Exhibit No. 6 marked.)

11:00:34 20 Q. (BY MR. ALLEN) And I'm just going to represent
11:00:36 21 to you, Professor Chung, that I -- I wouldn't expect that
11:00:39 22 you've seen all of them. I think you probably will have
11:00:42 23 seen some of them. And we're not going to dwell on all
11:00:44 24 of them. I just want to call your attention to one in
11:00:49 25 particular that we've raised here. Let me publish this

1 to the record.

2 A. Okay. I understood. I -- I got you.

3 Q. So Exhibit 6 is a lengthy document, 138 pages.

4 This is material -- I'm just going to represent to you
5 that this is material that Timothy Jackson provided to
6 John Ishiyama and others who were part of a so-called ad
7 hoc committee convened to investigate the *Journal of*
8 *Schenkerian Studies* in the fall of 2020.

9 I wouldn't expect you to have been privy to
10 these -- to the -- except to the extent that you received
11 emails that are in this body of documents provided to the
12 ad hoc panel. I am going to ask you to -- hold on.

13 Let me get the -- navigate to the page UNT 2663.
14 You see how in the bottom of these documents there are
15 page numbers that have been assigned to them? I'm just
16 going to let you know those are what's called Bates
17 numbers, and attorneys mark documents with what's called
18 Bates numbers to give documents that are produced in the
19 discovery of civil litigation a uniform series of page
20 numbers.

21 A. Understood. Yes, I'm on UNT_002663 right now.

22 Q. Thank you. Now I'll have to get that up on the
23 screen. There we go. So I'm just going to highlight so
24 that you can see it. Do you see it says smt-announce CFP
25 *Journal of Schenkerian Studies* here?

11:02:44 1 A. Yes.

11:02:45 2 Q. And this seems to be two -- hold on. My
11:02:49 3 computer is trying to launch an email to the very server
11:02:53 4 list we've just described. Sorry.

11:02:55 5 Do you see
11:03:02 6 `smt-announce@societymusictherapy.org`?

11:03:02 7 A. Yes.

11:03:02 8 Q. That is the server list I'm referring to. Do
11:03:05 9 you recognize this server list as a server list of the
11:03:07 10 Society for Music Theory?

11:03:08 11 A. Yes, I do.

11:03:09 12 Q. Do you receive that server list?

11:03:10 13 A. I receive -- I'm a subscriber to this list,
11:03:14 14 yes.

11:03:14 15 Q. So would you have received the call for papers
11:03:16 16 to Volume 12 of the *Journal of Schenkerian Studies*?

11:03:19 17 A. I would have received this, yes.

11:03:22 18 Q. And I think we had broken off at the point
11:03:25 19 where I asked whether you had any reason to believe that
11:03:28 20 Philip Ewell did not receive this invitation to
11:03:31 21 participate in Volume 12 of the *Journal of Schenkerian*
11:03:35 22 *Studies*?

11:03:35 23 MS. QUIMBY: Objection; form.

11:03:38 24 A. My expectation is that he is a subscriber to
11:03:41 25 this list and that he would have received this list.

11:03:43 1 Q. (BY MR. ALLEN) Okay. What's the purpose of a
11:03:51 2 call for papers in academic publishing based on your
11:03:55 3 experience as an assistant professor who has published
11:03:59 4 extensively?

11:04:00 5 A. Sure. A call for papers is a means for editors
11:04:04 6 of a publication to solicit submissions from the wider
11:04:10 7 membership or constituency of a field if there are, you
11:04:16 8 know, any authors out there who have some writing or
11:04:20 9 thoughts to share about the topic that's proposed in the
11:04:25 10 call for papers.

11:04:26 11 Q. So is it inaccurate to characterize it as an
11:04:36 12 invitation to participate?

11:04:37 13 MS. QUIMBY: Objection; form.

11:04:38 14 A. It's an invitation to submit essays for
11:04:47 15 consideration.

11:04:49 16 Q. (BY MR. ALLEN) Okay. So I think we've
11:04:55 17 established this is the server list we were talking
11:04:58 18 about. I think we can put away that.

11:05:00 19 A. Okay.

11:05:00 20 Q. It might be that we come back to it, but if we
11:05:03 21 do, I'll -- I'll ask you to call it up again. Thank you,
11:05:07 22 Professor Chung.

11:05:07 23 A. Okay.

11:05:08 24 Q. Do you recall Timothy Jackson ever expressing
11:05:17 25 any opposition to publishing a response by Philip Ewell

11:05:23 1 in the pages of the *Journal of Schenkerian Studies*?

11:05:23 2 MS. QUIMBY: Objection; form.

11:05:23 3 A. I was not privy to any conversations about what
11:05:26 4 the journal would or would not publish, so I -- I have no
11:05:29 5 knowledge of Professor Jackson supporting or objecting.

11:06:09 6 MR. ALLEN: I'm going to mark for the
11:06:11 7 record another exhibit. This will be marked as
11:06:14 8 Exhibit 7. I will also place it in the chat.

11:06:14 9 (Exhibit No. 7 marked.)

11:06:42 10 Q. (BY MR. ALLEN) So I've marked as Exhibit 7 a
11:06:44 11 document that begins with an email from Timothy Jackson,
11:06:50 12 which is undated, and then continues through a thread of
11:06:53 13 six pages. It starts with the Bates number UNT 000304.
11:07:00 14 Did I characterize that correctly?

11:07:01 15 A. Yes. Correct.

11:07:03 16 Q. Thank you. So I believe we'll see that this is
11:07:15 17 the same -- some of this is the same thread but it
11:07:22 18 diverges. Do you see that professor -- excuse me.

11:07:27 19 Do you see, Professor Chung, here is this email
11:07:30 20 on Page 000307 from Mr. Walls that we had just been
11:07:35 21 talking about in Exhibit 5?

11:07:40 22 A. Yes, I see it.

11:07:41 23 Q. And then there are some additional responses,
11:07:44 24 including one from you, that diverge from the previous
11:07:48 25 exhibit. And I just want to state for the record that

11:07:52 1 Exhibit 7 is a distinct email thread but it shares emails
11:07:57 2 in common with the previous exhibit in the way that
11:08:01 3 emails often do, someone picks it up and forwards it to
11:08:02 4 another thread. Is that fair to say?

11:08:07 5 MS. QUIMBY: Objection; form.

11:08:07 6 A. Yes.

11:08:08 7 Q. (BY MR. ALLEN) Okay. So if we can just pick
11:08:11 8 up where we left off with the other thread, this appears
11:08:14 9 to be a conversation that is occurring at the same time
11:08:18 10 after Levi Walls has emailed everyone that he has just
11:08:23 11 heard about this controversy that you brought to
11:08:27 12 everyone's attention. And if you skip to the bottom of
11:08:30 13 the exhibit, you'll see it also begins with that very
11:08:32 14 same email in which you have brought to everyone's
11:08:34 15 attention that there is a controversy bubbling up on
11:08:39 16 Twitter, right?

11:08:41 17 A. Correct.

11:08:41 18 Q. Just trying to get us on the same page,
11:08:45 19 Professor Chung. Thank you.

11:08:46 20 A. Correct.

11:08:47 21 Q. Now, we're -- so, then, this is your email on
11:08:55 22 July 25, 2020, at 9:12 p.m. Before we talk about that,
11:08:59 23 is it common for you to be discussing and exchanging this
11:09:03 24 volume of emails with your colleagues on a Saturday
11:09:06 25 evening?

11:09:07 1 MS. QUIMBY: Objection; form.

11:09:08 2 A. This would -- this would be an unusual event to
11:09:12 3 exchange this much correspondence on a Saturday evening.

11:09:15 4 Q. (BY MR. ALLEN) And you write to your
11:09:18 5 colleagues, including Ellen Bakulina, Timothy Jackson,
11:09:30 6 Stephen Slottow, Benjamin Graf, Diego Cubero, as well as
11:09:30 7 Mr. Walls, "Dear all, I agree with Levi that a
11:09:32 8 well-considered and timely response seems important.
11:09:34 9 From what I have been seeing, people on social media are
11:09:37 10 not happy that there is not a published response-to-the-
11:09:39 11 responses written by Ewell at the invitation of JSS, and
11:09:43 12 have concerns that the journal published an anonymous
11:09:47 13 article whatever the merits and complexities for doing
11:09:48 14 so."

11:09:48 15 Did I read that correctly, Professor Chung?

11:09:50 16 A. Correct. Uh-huh.

11:09:52 17 Q. What was the objection to the anonymous
11:09:55 18 publication in Volume 12 of the *Journal of Schenkerian*
11:09:58 19 *Studies* such as you understood it at this time?

11:10:00 20 A. Sure. My -- I believe my understanding --
11:10:03 21 well, my understanding at the time was that it's -- it's
11:10:07 22 highly unusual for an anonymous submission to be
11:10:11 23 published in -- in any academic journal. The unusualness
11:10:19 24 by dent of its sheer abhorrency raises questions about
11:10:23 25 why such a measure was taken, whether it was appropriate.

11:10:28 1 That's my understanding.

11:10:29 2 Q. Did you have an understanding about why there
11:10:32 3 would have been an anonymous publication in Volume 12 of
11:10:37 4 the *Journal of Schenkerian Studies*?

11:10:37 5 A. I had no such understanding. Only question
11:10:40 6 marks.

11:10:41 7 Q. So once the journal came out, there was an open
11:10:45 8 letter from the Society of Music Theory, right?

11:10:48 9 A. Correct.

11:10:49 10 Q. Do you recall signing that letter yourself?

11:10:52 11 A. I -- yeah, I recall signing it.

11:10:55 12 Q. Did that open letter include the vast majority
11:10:59 13 of members of the Society of Music Theory?

11:11:01 14 MS. QUIMBY: Objection; form.

11:11:01 15 A. I do not know whether -- I am -- I am not aware
11:11:05 16 of what the total, you know, numbers of membership are.
11:11:09 17 I -- I do recall that a letter was signed by several
11:11:14 18 hundred people at least.

11:11:16 19 Q. (BY MR. ALLEN) And what was the nature of that
11:11:19 20 open letter? What was its -- what was its intent? What
11:11:23 21 was its substance?

11:11:24 22 MS. QUIMBY: Objection; form.

11:11:25 23 A. Not having the letter in front of me, I don't
11:11:30 24 recall very well. I -- my impression, from what I can
11:11:34 25 recall, is that the -- the substance and the thrust of

11:11:38 1 the letter was for -- really for the SMT to ask its
11:11:44 2 members to think about, you know, the ways in which
11:11:49 3 racially insensitive ideas may still linger in the field.

11:11:55 4 Q. (BY MR. ALLEN) Is it safe to say that it
11:11:58 5 condemned the *Journal of Schenkerian Studies* Volume 12?

11:12:00 6 MS. QUIMBY: Objection; form.

11:12:02 7 A. What do you mean by condemn?

11:12:04 8 Q. (BY MR. ALLEN) Did it criticize Volume 12 of
11:12:10 9 the *Journal of Schenkerian Studies*?

11:12:10 10 A. I believe that's an accurate summary of -- of
11:12:14 11 the SMT.

11:12:15 12 Q. And it criticized Volume 12 as, quote, racist,
11:12:20 13 correct?

11:12:21 14 MS. QUIMBY: Objection; form.

11:12:22 15 A. That I cannot recall without seeing it in front
11:12:24 16 of me.

11:12:25 17 Q. (BY MR. ALLEN) Do you recall that there were
11:12:27 18 several hundred people who signed that open letter?

11:12:30 19 MS. QUIMBY: Objection; form.

11:12:31 20 A. I recall that there were several hundred people
11:12:33 21 who signed it.

11:12:34 22 Q. (BY MR. ALLEN) And so you still, as you sit
11:12:35 23 here today, can't think of a reason why someone would
11:12:37 24 want to publish their article in the *Journal of*
11:12:40 25 *Schenkerian Studies* anonymously?

11:12:41 1 MS. QUIMBY: Objection; form.

11:12:42 2 Q. (BY MR. ALLEN) That's really a mystery to you,
11:12:46 3 Professor Chung?

11:12:47 4 MS. QUIMBY: Objection; form.

11:12:47 5 A. Can you restate the question, please?

11:12:49 6 Q. (BY MR. ALLEN) Sure. Despite several hundred
11:12:53 7 people publishing an open letter condemning or, as you
11:12:58 8 said, criticizing the *Journal of Schenkerian Studies*
11:12:59 9 Volume 12, it's your testimony today that you really
11:13:02 10 don't understand why someone published anonymously in
11:13:04 11 Volume 12 *Journal of Schenkerian Studies*?

11:13:05 12 A. The anonymous publication --

11:13:06 13 MS. QUIMBY: Objection; form.

11:13:06 14 A. -- was before that letter. That is -- so, yes,
11:13:12 15 that is my testimony. Because the chronology that you
11:13:15 16 seem to be assuming is not correct.

11:13:18 17 Q. (BY MR. ALLEN) Incidentally, are you aware
11:13:35 18 that Professor Ewell published a book addressing some of
11:13:38 19 the same themes that began with his plenary address in
11:13:44 20 2019 at the SMT annual conference?

11:13:47 21 A. I am -- I am aware of the existence of the
11:13:50 22 book, yes.

11:13:50 23 Q. And is the title of that book *On Music Theory,*
11:14:00 24 *and Making Music Theory More Welcoming for Everyone*?

11:14:04 25 A. I believe that's the correct title.

11:14:05 1 Q. Have you read it?

11:14:07 2 A. I have not read it.

11:14:08 3 Q. Do you know whether he engages in a response to
11:14:16 4 his critics in the *Journal of Schenkerian Studies* in the
11:14:20 5 pages of his book?

11:14:21 6 MS. QUIMBY: Objection; form.

11:14:22 7 A. It is -- it is known that he -- he does make
11:14:25 8 some commentary on -- in regards to the *Journal of*
11:14:30 9 *Schenkerian Studies*.

11:14:30 10 Q. (BY MR. ALLEN) Do you have any reason to
11:14:33 11 believe that Professor Ewell was, quote, silenced by the
11:14:40 12 *Journal of Schenkerian Studies* publishing the symposium
11:14:45 13 in Volume 12?

11:14:46 14 MS. QUIMBY: Objection; form.

11:14:46 15 A. Do I have any reason to believe that Professor
11:14:49 16 Ewell was silenced? Insofar he wasn't invited to or
11:14:54 17 wasn't -- yeah, invited to respond to the pieces that
11:14:58 18 were being published, many of which, you know, mention
11:15:00 19 him by name -- I mean, whether that's, you know, being
11:15:04 20 silenced or excluded, per se, is perhaps a matter of
11:15:12 21 semantic definition.

11:15:14 22 Q. (BY MR. ALLEN) Well, how about this
11:15:16 23 definition: Has he had any trouble getting his work
11:15:20 24 published to your knowledge since 2020?

11:15:22 25 MS. QUIMBY: Objection; form.

11:15:23 1 A. I -- I have no idea what presses or journals
11:15:28 2 dealings with Professor Ewell have been since 2020.

11:15:32 3 Q. (BY MR. ALLEN) Well, you know his book came
11:15:34 4 out, right?

11:15:34 5 A. Yes.

11:15:36 6 Q. That's a sign that he's had some success
11:15:41 7 publishing, correct?

11:15:41 8 A. More than zero, yes.

11:15:43 9 MS. QUIMBY: Objection; form.

11:15:43 10 Q. (BY MR. ALLEN) Have you been able to publish a
11:15:45 11 book at this stage in your career?

11:15:47 12 A. No, I have not.

11:15:48 13 Q. I want to call your attention to Benjamin
11:16:07 14 Graf's response in this thread. It's on page UNT 000306
11:16:11 15 on July 25 at 9:47 p.m.

11:16:15 16 A. Yes.

11:16:15 17 Q. And it's addressed to you as well as others.
11:16:17 18 Do you see that?

11:16:18 19 A. Yes.

11:16:19 20 Q. He also says, in this second line of his email,
11:16:25 21 "I think we should send Ewell a copy and invite him to
11:16:28 22 respond." Correct?

11:16:29 23 A. Correct.

11:16:30 24 Q. Does that indicate an unwillingness to publish
11:16:37 25 Ewell in the pages of the *Journal of Schenkerian Studies*?

11:16:37 1 MS. QUIMBY: Objection; form.

11:16:38 2 A. Well, I think it -- it suggests, implies to a
11:16:45 3 reasonable person that Professor Ewell had not been
11:16:48 4 invited previously.

11:16:50 5 Q. (BY MR. ALLEN) That was -- great. We're not
11:16:53 6 talking about that right now. I asked a pretty simple
11:16:56 7 question.

11:16:57 8 Does that indicate to you a resistance to
11:17:01 9 publishing Ewell in the pages of the *Journal of*
11:17:05 10 *Schenkerian Studies*, "I think we should send Ewell a copy
11:17:06 11 and invite him to respond"?

11:17:07 12 A. Again, it's -- it leaves open the possibility
11:17:11 13 that there was a resistance to publishing Ewell in Volume
11:17:15 14 12, but not subsequently.

11:17:17 15 Q. So that's your testimony today, that this
11:17:19 16 actually does indicate a resistance to publishing him?

11:17:22 17 MS. QUIMBY: Objection; form.

11:17:24 18 Q. (BY MR. ALLEN) Publishing him --

11:17:25 19 A. My testimony is that I don't know whether there
11:17:27 20 was or was not resistance.

11:17:29 21 Q. That's not what I'm asking.

11:17:30 22 I'm asking: Does Benjamin -- first of all, who
11:17:35 23 is Benjamin Graf?

11:17:35 24 A. Benjamin Graf is a lecturer in the division of
11:17:39 25 music history, music theory, and ethnomusicology.

11:17:42 1 Q. Is it fair to say he's teaching faculty at UNT?

11:17:46 2 A. That is correct.

11:17:47 3 Q. But nevertheless a member of the faculty,
11:17:50 4 correct?

11:17:51 5 A. Yes. A member of the faculty just the same,
11:17:53 6 correct.

11:17:54 7 Q. What was his role in the *Journal of Schenkerian*
11:17:57 8 *Studies* at this time, if you know?

11:17:58 9 A. I do not know.

11:17:59 10 Q. Did you know he was the previous graduate
11:18:06 11 student editor of the *Journal of Schenkerian Studies*?

11:18:09 12 MS. QUIMBY: Objection; form.

11:18:09 13 A. I did not know.

11:18:10 14 Q. (BY MR. ALLEN) You knew that he was part of
11:18:12 15 the editorial staff at this time?

11:18:14 16 A. I knew that he had some kind of named and
11:18:19 17 printed official involvement with the journal.

11:18:20 18 Q. Okay. And in his role as some sort of
11:18:24 19 involvement with the journal, he's saying to this
11:18:27 20 audience, comprising you, Levi Walls, Ellen Bakulina,
11:18:31 21 Timothy Jackson, Stephen Slottow: I think we should send
11:18:34 22 Ewell a copy and invite him to respond, right?

11:18:37 23 A. Correct.

11:18:38 24 Q. And you can't give a straight yes or no answer
11:18:44 25 to whether you think that indicates a willingness to

11:18:47 1 invite Philip Ewell to respond?

11:18:49 2 MS. QUIMBY: Objection; form.

11:18:50 3 A. I think you're asking two questions in this
11:18:56 4 question. Certainly he wasn't invited to --

11:18:58 5 Q. (BY MR. ALLEN) Why don't you answer them in
11:19:00 6 series?

11:19:01 7 A. -- respond.

11:19:02 8 Q. He wasn't invited individually to respond. We
11:19:06 9 can assume that based on the record. We do know that he
11:19:09 10 received the invitation through the SMT server list
11:19:14 11 because I'm just going to represent to you he's testified
11:19:17 12 to that.

11:19:18 13 My question is really a simple one: Does
11:19:21 14 saying to you, among others, "I think we should send
11:19:23 15 Ewell a copy and invite him to respond" indicate a
11:19:27 16 willingness to have Ewell respond in the pages of the
11:19:27 17 *Journal of Schenkerian Studies*?

11:19:32 18 (Cross-talk.)

11:19:32 19 A. It indicates a willingness to publish him in
11:19:35 20 the *Journal of Schenkerian Studies* subsequent to the
11:19:35 21 publication of Volume 12 certainly.

11:19:37 22 Q. (BY MR. ALLEN) Okay. Let's just sew this up.
11:19:41 23 Does indicate an intention to exclude Professor Ewell
11:19:46 24 from publishing in the pages of the *Journal of*
11:19:49 25 *Schenkerian Studies*?

11:19:49 1 MS. QUIMBY: Objection; form.

11:19:50 2 A. It certainly leaves open the possibility that
11:19:53 3 such an intention existed but does not confirm such an
11:19:57 4 intention.

11:19:58 5 Q. (BY MR. ALLEN) Do you know of any documents
11:20:03 6 that confirm an intention to exclude Philip Ewell from
11:20:09 7 publishing in the *Journal of Schenkerian Studies* at any
11:20:13 8 time, Professor Chung?

11:20:14 9 A. I know of no such document.

11:20:16 10 Q. But nevertheless you think such a document may
11:20:16 11 exist?

11:20:23 12 MS. QUIMBY: Objection; form.

11:20:23 13 A. I don't know what things do or don't exist
11:20:29 14 other than what I empirically --

11:20:29 15 Q. Okay.

11:20:29 16 A. -- see in my --

11:20:32 17 Q. Well, let's -- let's follow up on that. Do you
11:20:35 18 have any empirical evidence that there was an intention
11:20:39 19 not to publish Philip Ewell in the pages of the *Journal*
11:20:44 20 *of Schenkerian Studies*?

11:20:44 21 MS. QUIMBY: Objection; form.

11:20:45 22 A. I think that there is certainly a suggestion
11:20:55 23 that such a move was not considered.

11:20:57 24 Q. (BY MR. ALLEN) A suggestion to you is
11:21:00 25 empirical evidence?

11:21:00 1 MS. QUIMBY: Objection; form.

11:21:01 2 A. A suggestion -- I don't -- I don't understand
11:21:08 3 the question.

11:21:08 4 Q. (BY MR. ALLEN) Well, I don't understand your
11:21:10 5 answer. I asked you if you have any empirical evidence,
11:21:13 6 because you brought up empirical evidence. I'm asking
11:21:17 7 you if you have any empirical evidence that there was an
11:21:19 8 intention to exclude Philip Ewell --

11:21:23 9 A. I am not in possession --

11:21:24 10 Q. -- from publishing --

11:21:25 11 A. -- of such empirical evidence, no.

11:21:29 12 Q. Thank you.

11:21:30 13 MS. QUIMBY: Can we take a break, please?
11:21:32 14 It's been over an hour.

11:21:33 15 MR. ALLEN: We're just going to finish this
11:21:34 16 real quick, and how about after that? I don't think we
11:21:36 17 have more than five minutes. Be done by 12:30.

11:21:39 18 MS. QUIMBY: Yes.

11:21:39 19 MR. ALLEN: Is that okay with you,
11:21:42 20 Professor Chung?

11:21:42 21 THE WITNESS: Yes.

11:21:43 22 Q. (BY MR. ALLEN) So I just wanted to skip up
11:21:49 23 to -- let me see. What are we on? UNT Page 305. Here
11:21:56 24 is a message from Benjamin Brand to all of you. Do you
11:22:01 25 see that?

11:22:01 1 A. Yes.

11:22:02 2 Q. And who is Professor Benjamin Brand?

11:22:07 3 A. Benjamin Brand was the -- was the chair of the
11:22:12 4 division of music -- music history, music theory, and
11:22:19 5 ethnomusicology at the time.

11:22:20 6 Q. So is it fair to say he was your direct boss at
11:22:24 7 that time in colloquial terms?

11:22:25 8 A. Yes.

11:22:26 9 Q. Okay. And he's calling for an emergency
11:22:27 10 meeting here at 4:00 p.m., right?

11:22:29 11 A. Correct.

11:22:30 12 Q. And that is Sunday, July 26, 2020, right?

11:22:33 13 A. Correct.

11:22:33 14 Q. Is that unusual at UNT, to have an emergency
11:22:38 15 meeting on a Sunday?

11:22:39 16 A. I think by virtue of the fact it's an emergency
11:22:44 17 it's inherently unusual.

11:22:46 18 Q. Was it usual to have any meetings on Sundays?

11:22:49 19 A. Very unusual to have any meetings on Sundays.

11:22:51 20 Q. Okay. Did you attend that, quote, emergency
11:22:53 21 meeting?

11:22:53 22 A. I did not attend this meeting.

11:22:55 23 Q. So you don't know what the substance of this
11:22:57 24 so-called emergency meeting was?

11:22:58 25 A. I do not.

11:22:59 1 Q. Okay.

11:23:02 2 MR. ALLEN: I think we're done, but I'm not
11:23:04 3 sure. With this.

11:23:08 4 Q. (BY MR. ALLEN) You've already testified you
11:23:10 5 have no direct knowledge of the processes of editorial
11:23:17 6 staff in reviewing, editing, copyediting, etcetera, the
11:23:19 7 Volume 12 of the *Journal of Schenkerian Studies*, right?

11:23:21 8 MS. QUIMBY: Objection; form.

11:23:26 9 A. That I have no knowledge of the editorial
11:23:29 10 practices of the *Journal of Schenkerian Studies*?

11:23:31 11 Q. (BY MR. ALLEN) Yeah. Let me strike that
11:23:32 12 question and just ask you straightforwardly. Sorry about
11:23:35 13 that, Professor Chung. I just really wanted to get you
11:23:37 14 to your break here.

11:23:38 15 But back in -- you know, back before July 2020,
11:23:43 16 did you have any direct knowledge of how Volume 12 was
11:23:48 17 edited, put together, compiled, the day in/day out work
11:23:55 18 of editing the volume?

11:23:56 19 A. My assumption was that it's not much different
11:23:59 20 from any other journal. That's -- that's the extent of
11:24:02 21 my knowledge. No -- no specific, confirmed knowledge
11:24:06 22 about the specific practices of the journal.

11:24:08 23 Q. But you didn't know who was reading what essay?

11:24:12 24 MS. QUIMBY: Objection; form.

11:24:12 25 A. No. That is not something that a journal makes

11:24:16 1 the public privy to.

11:24:18 2 Q. (BY MR. ALLEN) And you didn't know who was
11:24:24 3 suggesting which comments on any particular essay in
11:24:28 4 Volume 12 of the *Journal of Schenkerian Studies*, correct?

11:24:31 5 A. No. Generally that's kind of held in
11:24:33 6 confidence among the editorial staff and peer reviewers
11:24:36 7 and authors and so forth.

11:24:37 8 Q. Okay. And that's kind of my -- I guess the
11:24:39 9 last question would be: You didn't consider yourself
11:24:42 10 part of the editorial staff of the *Journal of Schenkerian*
11:24:46 11 *Studies* at that time?

11:24:46 12 A. No. Not at all.

11:24:48 13 Q. All right.

11:24:49 14 MR. ALLEN: I think that will do it for
11:24:52 15 Exhibit 7. And we can go off the record.

11:24:54 16 THE VIDEOGRAPHER: The time is 11:24 a.m.
11:24:57 17 We are off the record.

11:24:59 18 (Recess from 11:24 a.m. to 11:32 a.m.)

11:32:44 19 THE VIDEOGRAPHER: The time is 11:32 a.m.
11:32:48 20 We are on the record.

11:33:03 21 MR. ALLEN: Professor Chung, I'm going to
11:33:03 22 mark for the record Exhibit 8 a document that is going to
11:33:03 23 put in the chat here as well. It is captioned Open
11:33:13 24 Letter on Anti-Racist Actions within SMT. Let me publish
11:33:15 25 to the record here.

11:33:15 1 (Exhibit No. 8 marked.)

11:33:41 2 Q. (BY MR. ALLEN) So is -- we were talking before
11:33:43 3 we went on break about --

11:33:46 4 MR. ALLEN: Sorry. Are we on the record?

11:33:47 5 THE REPORTER: Yes.

11:33:48 6 MR. ALLEN: Thank you.

11:33:49 7 Q. (BY MR. ALLEN) We were talking about an open
11:33:50 8 letter that you signed that was circulated by members of
11:33:55 9 the Society for Music Theory. Do you remember that
11:33:57 10 testimony?

11:33:58 11 A. Correct.

11:33:58 12 Q. Is this that particular, quote, open letter?

11:34:02 13 A. This is that letter, correct.

11:34:04 14 Q. And it says, "Anyone may sign this document via
11:34:08 15 Google Forms," right?

11:34:12 16 A. Yes. Correct.

11:34:14 17 Q. And the signatures start -- like it's Bates
11:34:20 18 marked UNT 1090, this particular copy. And signatures
11:34:26 19 start on page UNT 1092, and they proceed for another 23
11:34:32 20 pages ending only on UNT 01115.

11:34:40 21 A. Correct.

11:34:41 22 Q. And I believe -- so hold on one sec. If we can
11:34:55 23 find 1096, UNT 1096 by Bates stamp, I believe we find
11:35:13 24 your name in -- as a signatory, correct?

11:35:17 25 A. Correct.

11:35:17 1 Q. Do you know of any of your music theory
11:35:23 2 colleagues who did not sign this open letter?

11:35:25 3 MS. QUIMBY: Objection; form.

11:35:26 4 A. I believe that not all of them did.

11:35:31 5 Q. (BY MR. ALLEN) Do you know who were the
11:35:33 6 members of your community at the University of North
11:35:35 7 Texas that did not sign?

11:35:36 8 A. I cannot recall.

11:35:37 9 Q. And then if we look at its substance, they are
11:35:46 10 talking about Volume 12 of the *Journal of Schenkerian*
11:35:52 11 *Studies*, correct?

11:35:53 12 A. Correct.

11:35:53 13 Q. And they say that the journal, quote, singled
11:35:57 14 out Professor Ewell while denying him a chance to
11:36:00 15 respond, right?

11:36:01 16 A. Correct.

11:36:01 17 Q. And you signed that statement, right? That he
11:36:03 18 was, quote, denied a chance to respond?

11:36:06 19 A. Correct.

11:36:06 20 Q. And they also accuse the language of many of
11:36:11 21 its essays of, quote, anti-Black racism, right?

11:36:18 22 A. Correct.

11:36:18 23 Q. What does that mean to you, anti-Black racism?

11:36:22 24 A. Remarks made in poor taste, disparaging
11:36:27 25 judgments of Black Americans and Black American musical

1 cultures. I remember this appearing in the discourse
2 around the journal.

3 Q. And do you know what specifically you
4 understood, at the time you signed this, constituted
5 anti-Black racism in the pages of the *Journal of*
6 *Schenkerian Studies*?

7 MS. QUIMBY: Objection; form.

8 A. I remember a remark from Professor Jackson --
9 and I'm paraphrasing -- to the effect that Black people
10 need to be elevated in order to be able to,
11 quote/unquote, to compete. Disparaging remarks made
12 about rap music, as if rap music is the end all and be
13 all of Black American musical production. I remember
14 remarks like this.

15 Q. (BY MR. ALLEN) Do you, yourself, have a basic
16 knowledge as a professor of music theory of rap, hip hop,
17 and jazz?

18 A. A very basic understanding. I'm certainly not
19 an expert.

20 Q. Is it controversial in your field that jazz is
21 an African American art form, meaning by that that it
22 originated in African American culture?

23 A. No. That is wildly recognized.

24 Q. Is it wildly recognized that rap music is also
25 an art form that originated in African American culture?

11:38:04 1 A. Yes, it is.

11:38:05 2 Q. And if I ask the same about hip hop, would that
11:38:08 3 answer be the same, Professor Chung?

11:38:11 4 A. Yes. Yes.

11:38:12 5 Q. Thank you. And so as you understood it at the
11:38:17 6 time, Timothy Jackson's statements about -- I believe you
11:38:22 7 said hip hop or rap was -- was anti-Black racism?

11:38:28 8 A. No. I said -- I said -- specifically I said
11:38:30 9 that some of the remarks in -- not limited to Professor
11:38:38 10 Jackson's contribution to the journal -- were racially
11:38:41 11 insensitive in my opinion, in poor taste in my opinion.

11:38:46 12 Q. Did you think the proper response was to
11:38:52 13 publish a refutation of Timothy Jackson's viewpoints?

11:38:57 14 MS. QUIMBY: Objection; form.

11:38:57 15 A. It is -- it is a standard and expected and
11:39:02 16 appropriate procedure for scholars to weigh in on --
11:39:07 17 weigh in on the writings of other members of the field.

11:39:12 18 Q. (BY MR. ALLEN) Was it appropriate to cancel
11:39:19 19 the *Journal of Schenkerian Studies* in response to this
11:39:21 20 so-called anti-Black racism?

11:39:21 21 MS. QUIMBY: Objection; form.

11:39:23 22 A. What does "cancel" mean in this context?

11:39:25 23 Q. (BY MR. ALLEN) Are you aware that the *Journal*
11:39:27 24 *of Schenkerian Studies* has ceased publishing after 2020?

11:39:29 25 A. I'm aware of that.

11:39:30 1 Q. Was that an appropriate response to, quote,
11:39:34 2 anti-Black racism --

11:39:34 3 MS. QUIMBY: Objection; form.

11:39:35 4 Q. (BY MR. ALLEN) -- if Timothy Jackson did
11:39:38 5 express that viewpoint?

11:39:39 6 MS. QUIMBY: Objection; form.

11:39:40 7 A. Journals stop publishing for all sorts of
11:39:44 8 reasons.

11:39:44 9 Q. (BY MR. ALLEN) Why do you think the *Journal of*
11:39:47 10 *Schenkerian Studies* stopped publishing?

11:39:48 11 A. I'm not privy to that information.

11:39:51 12 Q. You have no information as to why?

11:39:53 13 A. I'm really not privy -- I can -- I have
11:39:57 14 conjectures but I have no real information.

11:39:58 15 Q. Did you read a report that was published by the
11:40:02 16 University of North Texas called the ad hoc panel
11:40:04 17 report in November --

11:40:05 18 A. I know of the existence --

11:40:05 19 Q. -- of 2020?

11:40:06 20 A. Sorry. I know of the existence of such a
11:40:08 21 report. I did not read it.

11:40:10 22 Q. Okay. Did you read the articles of Volume 12
11:40:15 23 of the *Journal of Schenkerian Studies* before you signed
11:40:18 24 this open letter on anti-racist actions?

11:40:20 25 A. Not in tremendous detail. I did read the

11:40:25 1 contents of -- of many of them quickly and hastily.

11:40:29 2 Q. Did you read Timothy Jackson's article?

11:40:31 3 A. I did read Professor Jackson's article.

11:40:34 4 Q. So this -- this open letter on anti-racist --
11:40:40 5 by the way, what do you understand by anti-racist? What
11:40:44 6 does that mean among music theorists?

11:40:47 7 MS. QUIMBY: Objection; form.

11:40:48 8 A. I believe that it really has -- has a quite
11:40:51 9 bare denotation of meaning, you know, opposing racially
11:41:06 10 tinged or racially offensive remarks should they arise,
11:41:09 11 racially -- opposing -- let's see -- racially unequal
11:41:14 12 behaviors and actions should they arise.

11:41:16 13 Q. (BY MR. ALLEN) And you -- do you have any
11:41:29 14 personal knowledge of publications in academic journals
11:41:29 15 that refuted the factual statements Timothy Jackson made
11:41:33 16 in his contribution to Volume 12 of the *Journal of*
11:41:37 17 *Schenkerian Studies*?

11:41:37 18 MS. QUIMBY: Objection; form.

11:41:38 19 A. Of specific refutations of the -- like critical
11:41:48 20 and historical claims, I am -- I am not aware of any.

11:41:51 21 Q. (BY MR. ALLEN) Okay. Now, here in this open
11:41:54 22 letter that you signed on anti-racist actions, it refers
11:42:00 23 to: "These actions provide further evidence of the
11:42:01 24 structural force of white supremacy in our discipline."

11:42:06 25 This was also something you signed on to. So

11:42:08 1 what does -- what does that mean?

11:42:10 2 A. This is -- this remark in the letter I believe
11:42:22 3 is a response to the ad hominem character of some remarks
11:42:29 4 published in Volume 12 of the *Journal of Schenkerian*
11:42:38 5 *Studies*. Ad hominem in reference to Professor Ewell.

11:42:41 6 Q. What are those ad hominem statements in the
11:42:44 7 *Journal of Schenkerian Studies* Volume 12?

11:42:48 8 A. I don't remember their specific contents at
11:42:52 9 this time. I -- I remember Professor Ewell being singled
11:42:58 10 out and -- and questioned as far as his remarks go.

11:43:08 11 Q. Is it systemically racist to criticize a Black
11:43:17 12 scholar?

11:43:17 13 MS. QUIMBY: Objection; form.

11:43:18 14 A. It certainly can give the appearance.

11:43:20 15 Q. (BY MR. ALLEN) So Professor Ewell should be
11:43:24 16 treated specially because he's Black and should not be
11:43:28 17 criticized?

11:43:28 18 MS. QUIMBY: Objection; form.

11:43:29 19 A. No, I don't agree with that.

11:43:40 20 Q. (BY MR. ALLEN) And, incidentally, do you
11:43:43 21 believe in any way or do you have any -- strike that,
11:43:46 22 please.

11:43:46 23 Do you have any direct knowledge of anything
11:43:49 24 published in the *Journal of Schenkerian Studies* having,
11:43:53 25 quote, dehumanized Professor Ewell?

11:43:56 1 MS. QUIMBY: Objection; form.

11:43:57 2 A. I can certainly understand why authors of the
11:44:14 3 letter would use that language in relation to the ad
11:44:21 4 hominem remarks in relation to the disparaging remarks
11:44:26 5 about Black musical cultures and so forth. That can
11:44:33 6 certainly be interpreted as dehumanizing contents.

11:44:37 7 Q. (BY MR. ALLEN) But you can't remember what
11:44:39 8 those ad hominem and dehumanizing content is at this
11:44:44 9 time?

11:44:44 10 A. That Black people's standard needs to be raised
11:44:48 11 to compete; that -- that rap -- suggestions that rap
11:44:51 12 music, hip hop, and so forth have a sort of lesser
11:44:58 13 aesthetic dignity than classical music. Remarks like
11:45:00 14 this did appear. And I'm paraphrasing.

11:45:03 15 Q. And it's mostly those two that you allege
11:45:07 16 Timothy Jackson said in Volume 12?

11:45:09 17 MS. QUIMBY: Objection; form.

11:45:09 18 A. Those are the two that stick out in my memory.

11:45:13 19 Q. (BY MR. ALLEN) Incidentally, I -- do you
11:45:21 20 consider yourself a person of color, Professor Chung?

11:45:25 21 A. Yes.

11:45:25 22 Q. I assume your background is Chinese in origin?
11:45:30 23 But you can correct me if I'm wrong.

11:45:32 24 A. You are wrong.

11:45:33 25 Q. What is your national origin?

11:45:34 1 A. I am Korean.

11:45:35 2 Q. Have you experienced white supremacy at the
11:45:40 3 University of North Texas?

11:45:41 4 MS. QUIMBY: Objection; form.

11:45:42 5 A. Strictly speaking, yes.

11:45:52 6 Q. (BY MR. ALLEN) Could you explain for the
11:45:53 7 record how you have experienced white supremacy at the
11:45:56 8 University of North Texas?

11:45:58 9 A. Well, I mean what -- this -- I think this
11:46:01 10 depends on what the definitions of white supremacy are.
11:46:04 11 Can you give me yours?

11:46:06 12 Q. Well, no. You've signed a statement that says,
11:46:07 13 "Actions provide further evidence of the structural force
11:46:10 14 of white supremacy in our discipline," meaning your
11:46:13 15 discipline. You signed it.

11:46:14 16 A. You are -- you are leading the proceeding, and
11:46:16 17 you have asked the question. I would like you to define
11:46:18 18 it.

11:46:18 19 Q. Well, what do you mean by white supremacy? You
11:46:19 20 signed an SMT open letter saying there's white supremacy
11:46:22 21 in your discipline. What do you mean by that?

11:46:24 22 A. "White supremacy" here refers to the ways in
11:46:27 23 which the norms and judgments of European cultures are
11:46:36 24 taken to be the sort of standards and norms.

11:46:39 25 Q. And is that what you've perceived at the

11:46:43 1 university of north texist -- excuse me -- at the
11:46:45 2 University of North Texas?

11:46:46 3 A. Oh, sure. Every -- any person of color can
11:46:50 4 attest to such things I would expect.

11:46:54 5 Q. How have you personally experienced white
11:46:57 6 supremacy as you define it at the University of North
11:47:00 7 Texas?

11:47:00 8 A. For instance, the, you know, emphasis on
11:47:07 9 European composers in the curricula of my department.
11:47:13 10 For instance, the majority white representation of
11:47:23 11 administrative staff, chairs, tenured faculty.

11:47:31 12 Q. So the bear number of people who are white in
11:47:34 13 your department is -- is evidence of white supremacy; is
11:47:38 14 that -- is that your testimony?

11:47:39 15 MS. QUIMBY: Objection; form.

11:47:39 16 A. My testimony is that the -- the majority white
11:47:43 17 population of the University and its staff and institu-
11:47:50 18 -- and its structures mean that the majority -- the
11:47:57 19 majority of power holders are -- are white people.

11:48:00 20 Q. (BY MR. ALLEN) And how have -- how has your
11:48:05 21 career suffered because of the majority representation of
11:48:10 22 white people at the University of North Texas?

11:48:10 23 MS. QUIMBY: Objection; form.

11:48:11 24 A. I don't believe that my career has suffered.

11:48:13 25 Q. (BY MR. ALLEN) Have you not been able to

11:48:16 1 publish what you want because of white supremacy at the
11:48:20 2 University of North Texas?

11:48:22 3 A. I don't publish at the University of North
11:48:24 4 Texas.

11:48:24 5 Q. That wasn't my question.

11:48:26 6 Have you not been able to publish in your field
11:48:29 7 what you want because of white supremacy at the
11:48:32 8 University of North Texas?

11:48:33 9 MS. QUIMBY: Objection; form.

11:48:34 10 A. Me personally, no, I have not experienced that
11:48:37 11 on -- that.

11:48:37 12 Q. (BY MR. ALLEN) Have you experienced pressure
11:48:39 13 in your discipline not to publish whatever you want
11:48:42 14 because of white supremacy in your discipline?

11:48:46 15 MS. QUIMBY: Objection; form.

11:48:49 16 A. There are certainly explicit pressures to
11:48:53 17 publish on topics that, you know, appeal to -- to
11:48:58 18 scholars of the sort, you know, traditional core of -- of
11:49:02 19 European musical repertoires.

11:49:06 20 Q. (BY MR. ALLEN) So teaching European musical
11:49:10 21 repertoires is itself an expression of white supremacy?

11:49:14 22 MS. QUIMBY: Objection; form.

11:49:15 23 A. It expresses the predominance of white European
11:49:22 24 cultures.

11:49:23 25 Q. (BY MR. ALLEN) And in your view that is white

11:49:26 1 supremacy?

11:49:27 2 MS. QUIMBY: Objection; form.

11:49:28 3 A. Perhaps not in the -- you know, in the manner
11:49:31 4 in which white supremacy is used on television or so
11:49:36 5 forth. But, yes, it -- strictly speaking it is an
11:49:42 6 expression of white supremacy.

11:49:44 7 Q. (BY MR. ALLEN) And you also signed this
11:49:46 8 statement where it says here under like a sub area B,
11:49:50 9 "These white supremacist roots have resulted in racist
11:49:53 10 policies that have benefited whites and whiteness while
11:49:57 11 disadvantaging nonwhites and nonwhiteness."

11:50:00 12 Did I read that correctly?

11:50:02 13 A. Correct.

11:50:02 14 Q. What racist policies can you identify at the
11:50:07 15 University of North Texas that have benefited whites and
11:50:07 16 whiteness while disadvantaging nonwhites and
11:50:12 17 nonwhiteness?

11:50:12 18 MS. QUIMBY: Objection; form.

11:50:13 19 A. Strict policy there I can think of none.

11:50:16 20 Q. (BY MR. ALLEN) Okay. And can you identify
11:50:23 21 injustices suffered by BIPOC at all stages of their
11:50:26 22 careers at the University of North Texas?

11:50:28 23 MS. QUIMBY: Objection; form.

11:50:29 24 A. Only anecdotically.

11:50:34 25 Q. (BY MR. ALLEN) Well, please tell us some

11:50:38 1 anecdotes relevant to the University of North Texas in
11:50:41 2 your experience.

11:50:41 3 A. Sure. Anecdotically I think scholars of color
11:50:46 4 are less accustomed to having their ideas be, you know,
11:50:50 5 immediately believed. Scholars of color are often
11:50:55 6 accustomed to deferring to -- to majority white
11:51:04 7 colleagues. This is a common anecdotal experience in
11:51:08 8 the academy.

11:51:09 9 Q. As a person of color -- I mean "BIPOC" stands
11:51:14 10 for black, indigenous, person of color, correct?

11:51:17 11 A. Correct.

11:51:18 12 Q. And I'm reading from the SMT open letter that
11:51:21 13 says, "Racist policies have resulted in injustices
11:51:25 14 suffered by BIPOC at all stages of their careers."

11:51:29 15 Did I read that correctly?

11:51:30 16 A. Correct.

11:51:31 17 Q. And as a person of color yourself, have you
11:51:34 18 experienced at the University of North Texas difficulty
11:51:42 19 being believed because of the color of your skin?

11:51:45 20 A. I certainly have my suspicions that such is the
11:51:48 21 case. Again, not having omniscient access to other
11:51:52 22 people's internal states, I can't confirm or deny.

11:51:56 23 Q. Well, describe an incident. I mean, you're the
11:51:57 24 one signing statements that says this racism is so
11:52:00 25 pervasive that you needed to sign a very lengthy

11:52:04 1 statement about it. So please describe instances in
11:52:08 2 which you -- I guess you said you surmised that you were
11:52:13 3 being disbelieved because of your race.

11:52:14 4 MS. QUIMBY: Objection; form.

11:52:14 5 A. I mean, for instance, ideas about making
11:52:29 6 curricular changes to include more nonwestern musics are
11:52:33 7 sometimes met with skepticism.

11:52:37 8 Q. (BY MR. ALLEN) When did you make such --
11:52:39 9 (Cross-talk.)

11:52:39 10 A. -- remarks of the sort that the -- that the
11:52:41 11 letter is -- is talking about.

11:52:42 12 Q. (BY MR. ALLEN) When did you make such
11:52:44 13 suggestions that were rejected?

11:52:48 14 A. I don't recall making such suggestions myself.
11:52:51 15 But this is -- this is the kind of thing that the letter
11:52:54 16 is talking about.

11:52:55 17 Q. And you also said that, I believe, BIPOC
11:53:02 18 scholars defer to their white colleagues. That's another
11:53:05 19 example of racial supremacy?

11:53:07 20 MS. QUIMBY: Objection; form.

11:53:09 21 A. Strictly speaking, yes.

11:53:10 22 Q. (BY MR. ALLEN) When have you individually,
11:53:13 23 Professor Chung, deferred to your white colleagues
11:53:15 24 because of their white supremacy?

11:53:17 25 A. Because of their white supremacy? What do you

11:53:19 1 mean?

11:53:20 2 Q. Well, I don't know. That's when you're
11:53:22 3 describing. You said that it is a marker of white
11:53:25 4 supremacy in your discipline that people of color defer
11:53:30 5 to their white colleagues and that indicates systemic
11:53:35 6 race, or something like that. Did I -- did I
11:53:37 7 mischaracterize that?

11:53:38 8 MS. QUIMBY: Objection; form.

11:53:39 9 A. Yeah. It's not the best characterization.

11:53:45 10 Q. (BY MR. ALLEN) So I'm asking for a specific
11:53:47 11 example of when you deferred to a white colleague and you
11:53:51 12 believe that was because of white supremacy.

11:53:55 13 A. What that means is that, you know, you were
11:54:00 14 expected -- scholars of color are, you know, not -- are
11:54:05 15 expected to really not talk about race.

11:54:11 16 Q. It seems like all this open letter talks about
11:54:14 17 is race. Did that apply to this open letter too?

11:54:18 18 MS. QUIMBY: Objection; form.

11:54:18 19 A. No. That's why -- that's why it's an open
11:54:21 20 letter.

11:54:22 21 Q. (BY MR. ALLEN) You didn't -- you certainly
11:54:29 22 didn't feel impeded from talking about racism in July
11:54:31 23 of 2020, did you?

11:54:31 24 MS. QUIMBY: Objection; form.

11:54:31 25 A. In July 2020? It's always risky for scholars

11:54:36 1 of color to talk about race.

11:54:38 2 Q. (BY MR. ALLEN) Do you feel compromised in your
11:54:41 3 tenure application by your participation in the open
11:54:45 4 discussion about race in July of 2020?

11:54:49 5 A. Beyond conjecture, no.

11:54:54 6 Q. You certainly don't believe you suffer from any
11:55:01 7 kind of fragile nature that prevents you from speaking
11:55:06 8 your mind about race at the University of North Texas, do
11:55:08 9 you?

11:55:09 10 MS. QUIMBY: Objection; form.

11:55:09 11 A. Can you repeat the question? Fragile nature?

11:55:13 12 Q. (BY MR. ALLEN) Yeah. Do you -- is there some
11:55:15 13 sort of fragility that you suffer from that would prevent
11:55:20 14 you from speaking your mind on matters of race at the
11:55:22 15 University of North Texas?

11:55:22 16 MS. QUIMBY: Objection; form.

11:55:22 17 A. Well, it's often not a prudent topic. I think
11:55:26 18 fragility is a -- I don't know why that's entering the
11:55:30 19 question.

11:55:30 20 Q. (BY MR. ALLEN) It's, quote, not a prudent
11:55:32 21 topic, that's your -- that's your view?

11:55:33 22 A. Sometimes.

11:55:34 23 Q. And yet you know that Philip Ewell's
11:55:39 24 November 2019 paper at the university -- excuse me -- at
11:55:41 25 the Society for Music Theory was well received, correct?

11:55:44 1 MS. QUIMBY: Objection; form.

11:55:45 2 A. Yes.

11:55:45 3 Q. (BY MR. ALLEN) It didn't seem that that
11:55:50 4 required any prudence for him to avoid that topic, right?

11:55:55 5 MS. QUIMBY: Objection; form.

11:55:56 6 A. Oh, it certainly required prudence to -- to
11:55:59 7 handle that topic correctly or handle that topic at all.

11:56:02 8 Q. (BY MR. ALLEN) Did you think it was
11:56:04 9 particularly courageous of him, for instance, to avoid
11:56:08 10 reading his critics in the *Journal of Schenkerian*
11:56:13 11 *Studies*?

11:56:13 12 MS. QUIMBY: Objection; form.

11:56:13 13 A. I don't think courage or not courage is the --
11:56:16 14 is the correct axis on -- on which that hinges. I think
11:56:20 15 that's if -- you know, if the scholar chooses not to read
11:56:24 16 their critics for their own reasons, whatever they may
11:56:31 17 be, that's -- that's their prerogative.

11:56:35 18 Q. (BY MR. ALLEN) Yet in this letter, you singled
11:56:50 19 Professor Ewell out as someone with -- among others who
11:56:52 20 spoke at that 2019 plenary session, as someone with
11:57:00 21 exceptional courage, correct?

11:57:01 22 A. Correct.

11:57:03 23 Q. I want to transition now to speaking of the --
11:57:27 24 the faculty letter which you also signed in addition.
11:57:32 25 Before we move on, do you recall when you signed this SMT

11:57:35 1 open letter on anti-racist actions?

11:57:38 2 A. I do not recall when that was.

11:57:40 3 Q. Was it before or after the July 25 emails that
11:57:44 4 we had examined earlier?

11:57:46 5 A. It -- it has to have been after.

11:57:51 6 Q. Okay. Is it safe to say it was before the end
11:57:58 7 of July, if you know?

11:58:00 8 MS. QUIMBY: Objection; form.

11:58:00 9 A. It's not safe to say that. It was before -- I
11:58:03 10 don't know. It was before the beginning of 2024. I do
11:58:06 11 not recall the time when this letter was circulated.

11:58:13 12 Q. (BY MR. ALLEN) It certainly would have been in
11:58:14 13 2020, right?

11:58:15 14 A. It would have been in 2020 after July.

11:58:15 15 Q. Okay.

11:58:21 16 A. That's my assumption.

11:58:22 17 Q. And that's fine. I understand the limits of
11:58:24 18 memory.

11:58:51 19 MR. ALLEN: I'm going to mark for the
11:58:53 20 record as Exhibit 9 a document captioned ad hoc panel --
11:59:10 21 Ad Hoc Review Panel Report of Review of Conception and
11:59:14 22 Production of Volume 12 of the *Journal of Schenkerian*
11:59:17 23 *Studies*, and it is dated November 25, 2020.

11:59:17 24 (Exhibit No. 9 marked.)

11:59:19 25 Q. (BY MR. ALLEN) I'm going to represent to you,

11:59:21 1 Professor Chung, that this is a report that was issued by
11:59:22 2 a so-called ad hoc panel convened to investigate the
11:59:28 3 *Journal of Schenkerian Studies*, supposedly objectively,
11:59:30 4 and charged with that by Jennifer Cowley, your former
11:59:30 5 provost.

11:59:35 6 You had already testified that you did not read
11:59:36 7 this document, so I'm not going to ask you to comment on
11:59:39 8 it. But it does have, as exhibits, at the very end
11:59:48 9 various attachments, and it's those that I would like to
11:59:49 10 talk about.

11:59:51 11 A. Okay.

11:59:52 12 Q. This is one captioned Statement of UNT Faculty
11:59:56 13 on *Journal of Schenkerian Studies*, and it's signed by
11:59:59 14 you. Do you see that?

12:00:00 15 A. Correct.

12:00:01 16 Q. Do you recognize this attachment -- I'm not
12:00:05 17 asking you about the -- the total report, just this
12:00:08 18 attachment. Do you recognize this attachment?

12:00:09 19 A. Yes.

12:00:10 20 Q. And what is this Statement of UNT Faculty on
12:00:21 21 *Journal of Schenkerian Studies* in Exhibit 9?

12:00:21 22 A. I take it as an expression of disapprobation
12:00:27 23 towards some of the contents of JSS Volume 12.

12:00:31 24 Q. And -- let me see if we can...

12:00:53 25 Here you also say you stand in solidarity with

12:00:57 1 your graduate students in their letter condemning the
12:01:02 2 *Journal of Schenkerian Studies*, right?

12:01:02 3 A. That is what that says, correct.

12:01:03 4 Q. What does that refer to?

12:01:05 5 A. What does what refer to?

12:01:08 6 Q. The letter of condemnation that the graduate
12:01:14 7 students apparently wrote concerning the *Journal of*
12:01:20 8 *Schenkerian Studies*.

12:01:20 9 A. Well, that is referring to, I believe, the
12:01:22 10 document in the second link.

12:01:23 11 Q. The link right here that I am --

12:01:25 12 A. Correct.

12:01:26 13 Q. Oops. I just launched it.

12:01:30 14 I'm highlighting it here. It follows in the
12:01:32 15 second paragraph after the statement, "We endorse the
12:01:35 16 call for action outlined in our student letter"?

12:01:38 17 A. Yeah.

12:01:39 18 Q. That URL?

12:01:42 19 A. Yeah. Correct.

12:01:43 20 Q. And I am just going to represent to you that
12:01:45 21 that URL would lead to this attachment to Exhibit 9.

12:01:49 22 A. Correct.

12:01:50 23 Q. Is this the letter you remember endorsing?

12:01:54 24 MS. QUIMBY: Objection; form.

12:01:56 25 A. This is the letter to which we -- we refer in

12:02:01 1 the faculty letter.

12:02:03 2 Q. (BY MR. ALLEN) Okay. Again, it says here
12:02:14 3 the -- referring to Volume 12 of the *Journal of*
12:02:14 4 *Schenkerian Studies*, "It's replete with racial
12:02:19 5 stereotypes and tropes," right?

12:02:19 6 A. Correct.

12:02:20 7 Q. And those were the same disparaging comments
12:02:24 8 you believe were also what you were thinking about when
12:02:28 9 you signed the SMT letter -- the SMT open letter?

12:02:32 10 A. Correct.

12:02:32 11 Q. Were there any others that you were thinking of
12:02:36 12 when you signed this -- you were referring to when you
12:02:40 13 signed this letter?

12:02:41 14 A. Not that I recall.

12:02:46 15 Q. Okay. And then you say in this letter you've
12:02:56 16 signed of UNT faculty, "The fact that he was not afforded
12:03:01 17 the opportunity to respond in print in unacceptable, as
12:03:03 18 is the lack of a clearly defined peer-review process."

12:03:06 19 Did I read that correctly?

12:03:07 20 A. Correct.

12:03:08 21 Q. Who does "he" refer to in that sentence?

12:03:11 22 A. Professor Ewell.

12:03:12 23 Q. And so you're making an assertion of fact that
12:03:15 24 he was not afforded the opportunity to respond in print,
12:03:20 25 right?

12:03:20 1 A. What do you mean by an assertion of fact?

12:03:25 2 Q. Well, this is the language that you signed on
12:03:26 3 to. "The fact that he was not afforded the opportunity
12:03:29 4 to respond in print is unacceptable," correct?

12:03:33 5 A. Yes. That -- that was our surmise to the best
12:03:36 6 of our knowledge, that he was not contacted to respond to
12:03:39 7 the -- the pieces that were published in Volume 12.

12:03:45 8 Q. Were you aware that Benjamin Graf contacted
12:03:52 9 Philip Ewell to invite him to respond?

12:03:55 10 MS. QUIMBY: Objection; form.

12:03:55 11 A. I was not.

12:03:56 12 Q. (BY MR. ALLEN) Benjamin Graf signed this
12:04:02 13 letter as well, right?

12:04:04 14 A. Yes. I see his name there.

12:04:06 15 Q. You don't recall anyone pointing out that
12:04:08 16 Philip Ewell also received the SMT invitation to
12:04:13 17 contribute to Volume 12?

12:04:15 18 MS. QUIMBY: Objection; form.

12:04:15 19 A. I don't believe that that counts as an
12:04:19 20 invitation to respond to the -- the -- the pieces that
12:04:26 21 were solicited for the journal. That's a somewhat
12:04:31 22 different matter of being invited to contribute to the --
12:04:36 23 the pieces that were initially collected.

12:04:39 24 Q. (BY MR. ALLEN) So only a personal invitation
12:04:42 25 would have, quote, afforded the opportunity to respond in

12:04:46 1 print according to your testimony?

12:04:47 2 MS. QUIMBY: Objection; form.

12:04:47 3 A. Well, that is -- that is the implicit and
12:04:50 4 specific meaning of that remark in the -- in the letter.

12:04:52 5 Q. (BY MR. ALLEN) That's the implicit meaning is
12:04:55 6 what you're saying?

12:04:56 7 A. That is what I'm saying.

12:04:57 8 Q. It doesn't say that though, does it?

12:04:59 9 A. Debatable.

12:05:03 10 Q. It actually says, "He was not afforded the
12:05:07 11 opportunity to respond in print," right?

12:05:10 12 A. That is -- that is the denotation of that
12:05:12 13 sentence, yeah.

12:05:13 14 Q. Was there anything that prevented you from
12:05:15 15 qualifying that in -- along the lines of: He wasn't
12:05:18 16 provided a personal engraved invitation or something of
12:05:22 17 that nature?

12:05:22 18 MS. QUIMBY: Objection; form.

12:05:23 19 A. An engraved invitation? What does that mean?

12:05:29 20 Q. (BY MR. ALLEN) There's no qualifying language
12:05:31 21 to this factual statement indicating that there is some
12:05:35 22 sort of hidden, implicit meaning, is there?

12:05:37 23 MS. QUIMBY: Objection; form.

12:05:37 24 A. There's no qualifying remark, no.

12:05:39 25 Q. (BY MR. ALLEN) All right. Then you also

12:05:42 1 say -- you endorse the call for action outlined in the
12:05:45 2 students letter, right?

12:05:46 3 A. Uh-huh.

12:05:48 4 Q. Right here?

12:05:48 5 A. Uh-huh.

12:05:48 6 Q. So let's talk about the students letter.

12:05:51 7 A. Okay.

12:05:51 8 Q. Which was incorporated by reference through
12:06:02 9 that URL link, right, into the --

12:06:04 10 A. Right.

12:06:04 11 MS. QUIMBY: Objection; form.

12:06:05 12 Q. (BY MR. ALLEN) -- the faculty letter?

12:06:06 13 MS. QUIMBY: Objection; form.

12:06:07 14 A. Correct.

12:06:09 15 Q. (BY MR. ALLEN) Thank you. So let's see. Here
12:06:19 16 you endorse this, that it was platforming racist
12:06:23 17 sentiments, the *Journal of Schenkerian Studies*?

12:06:26 18 MS. QUIMBY: Objection; form.

12:06:28 19 A. What's the question, please? Sorry.

12:06:34 20 Q. (BY MR. ALLEN) You endorse this part of the
12:06:37 21 letter that the *Journal of Schenkerian Studies* was
12:06:39 22 platforming, quote, racist sentiments?

12:06:43 23 MS. QUIMBY: Objection; form.

12:06:43 24 A. I certainly endorse that the students were
12:06:46 25 appalled, that they perceived such to be the case. I

12:06:49 1 think that to many people's reasonable judgments
12:06:56 2 racially -- racially incentives -- racially incentive --
12:06:59 3 racially insensitive sentiments appeared in the journal.
12:07:02 4 That was also my understanding. That was also my
12:07:06 5 opinion, yes.

12:07:07 6 Q. (BY MR. ALLEN) You also endorsed this
12:07:13 7 statement, "The students have absolutely no say in the
12:07:16 8 content of the JSS."

12:07:18 9 MS. QUIMBY: Objection; form.

12:07:20 10 Q. (BY MR. ALLEN) Right here. That's a factual
12:07:23 11 statement, right, Professor Chung?

12:07:25 12 MS. QUIMBY: Objection; form.

12:07:28 13 A. What's a factual statement, the statement that
12:07:31 14 students have --

12:07:32 15 Q. (BY MR. ALLEN) "Students have absolutely no
12:07:34 16 say in the content of the JSS," right?

12:07:36 17 MS. QUIMBY: Objection; form.

12:07:41 18 A. I believe that students -- yeah. I believe
12:07:43 19 that students generally believe they don't have ultimate
12:07:46 20 final say over what goes into the journal.

12:07:49 21 Q. (BY MR. ALLEN) You've never discussed that
12:07:51 22 with Mr. Walls, right?

12:07:52 23 A. I -- I know so little about Schenkerian studies
12:07:58 24 and the *Journal of Schenkerian Studies* that this hasn't
12:08:01 25 come up in our discussions.

12:08:02 1 Q. Okay. Good. Did you consider this part that
12:08:06 2 you endorsed, "Publicly condemn the issue and release it
12:08:16 3 free online to the public"?

12:08:16 4 MS. QUIMBY: Objection; form.

12:08:17 5 A. I endorse the ability of the students to -- to,
12:08:18 6 you know, make these kinds of calls.

12:08:20 7 Q. (BY MR. ALLEN) Sure.

12:08:21 8 A. Express their voices like this.

12:08:23 9 Q. Uh-huh. But that's not what your letter says,
12:08:27 10 is it? It says, "We endorse the call for action outlined
12:08:30 11 in our students letter," right?

12:08:32 12 MS. QUIMBY: Objection; form.

12:08:33 13 A. I took that -- I took that as, you know,
12:08:37 14 endorsing their general sentiments through the letter. I
12:08:42 15 certainly endorse their rights to express themselves and
12:08:49 16 to -- to declare their opinions and to ask for certain
12:08:58 17 kinds of actions.

12:09:02 18 Q. (BY MR. ALLEN) Incidentally, they also called
12:09:03 19 for providing a full public account of the editorial and
12:09:08 20 publication process and its failures, right?

12:09:10 21 A. Correct.

12:09:10 22 Q. And you endorsed that call for action?

12:09:13 23 MS. QUIMBY: Objection; form.

12:09:13 24 A. Sure. I think when a journal is asked to -- to
12:09:26 25 clarify its procedures in the name of transparency, I

12:09:31 1 don't see why that's an objectionable thing to ask for.

12:09:35 2 I certainly -- I endorse that.

12:09:36 3 Q. (BY MR. ALLEN) Would a full public account of
12:09:39 4 the editorial and publication processes be objective,
12:09:43 5 using the words of Jennifer Cowley here, if it excluded
12:09:47 6 indications that Levi Walls was lying about his
12:09:51 7 relationship with Professor Jackson?

12:09:53 8 MS. QUIMBY: Objection; form.

12:09:57 9 A. I'm not sure -- I'm not sure under -- can
12:10:01 10 you -- I'm sorry, I think I lost my train of thought --

12:10:01 11 Q. (BY MR. ALLEN) Sure.

12:10:03 12 A. -- in the middle of your question.

12:10:04 13 Q. That's fine.

12:10:05 14 MR. ALLEN: Please restate the question to
12:10:06 15 the witness, Madam Court Reporter.

12:10:35 16 (Requested portion was read.)

12:10:35 17 A. I mean, I'm -- I'm -- I was not privy to the --
12:10:42 18 privy to the -- the conversations of -- having to do with
12:10:46 19 the editorial board. I am not privy to understanding or
12:10:53 20 whether Levi was speaking truthfully or mendaciously some
12:10:59 21 point or another. I don't have any insight into that
12:11:02 22 question.

12:11:02 23 Q. (BY MR. ALLEN) And did know that this
12:11:05 24 Exhibit 9, the ad hoc panel report, was published online
12:11:10 25 and remains online by the University of North Texas,

12:11:13 1 right?

12:11:13 2 MS. QUIMBY: Objection; form.

12:11:14 3 A. I was not aware of that.

12:11:15 4 Q. (BY MR. ALLEN) Did you know that Timothy
12:11:16 5 Jackson wrote a response to this report?

12:11:19 6 A. No. I knew of no such writing.

12:11:22 7 Q. Are you aware of any calls at the University of
12:11:26 8 North Texas to provide a, quote, full public account of
12:11:29 9 the editorial and publication process so that it includes
12:11:33 10 Timothy Jackson's response?

12:11:34 11 MS. QUIMBY: Objection; form.

12:11:35 12 A. I am not aware.

12:11:38 13 Q. (BY MR. ALLEN) Okay. Now, another thing they
12:11:41 14 called for, the graduate students, is to dissolve the
12:11:45 15 JSS, right?

12:11:45 16 A. Uh-huh.

12:11:46 17 Q. And we've already established that the JSS has
12:11:49 18 not published since the time of the publication of these
12:11:52 19 statements, correct?

12:11:53 20 A. Sure.

12:11:54 21 Q. So that succeeded, correct?

12:11:56 22 MS. QUIMBY: Objection; form.

12:11:57 23 A. That's debatable. I mean, journals can stop
12:12:01 24 publishing for all sorts of reasons other than
12:12:05 25 dissolution.

12:12:05 1 Q. (BY MR. ALLEN) But you do know that it hasn't
12:12:07 2 published again, right?

12:12:08 3 A. That doesn't imply being dissolved. I do know
12:12:12 4 it has stopped publication, yes.

12:12:14 5 Q. Are you aware of any editorial board
12:12:16 6 constituted at the present time that is in the process of
12:12:20 7 publishing the *Journal of Schenkerian Studies*?

12:12:24 8 A. No such board exists to my knowledge. I could
12:12:25 9 be wrong.

12:12:25 10 Q. But you think it's still a matter of mystery as
12:12:28 11 to whether the JSS has dissolved?

12:12:30 12 MS. QUIMBY: Objection; form.

12:12:31 13 A. I never said such a thing. I said the
12:12:33 14 process --

12:12:33 15 Q. (BY MR. ALLEN) Let's skip down -- I'm sorry.
12:12:34 16 Go ahead.

12:12:34 17 A. I said the JSS very clearly has stopped
12:12:37 18 publishing. Whether it was dissolved, per se, I'm not
12:12:43 19 privy to such information.

12:12:45 20 Q. Number 3 here -- I don't know why I can't get
12:12:50 21 it -- grab it. But do you see this in highlight?

12:12:52 22 A. Yes.

12:12:53 23 Q. It says, "Hold accountable every person
12:12:57 24 responsible for the direction of the publication. This
12:12:59 25 will involve recognizing both whistleblowers and those

12:13:02 1 who failed to heed them in this process."

12:13:05 2 Do you know who is being referred to there as
12:13:08 3 a, quote, whistleblower?

12:13:09 4 A. Specifically, no.

12:13:10 5 Q. You didn't bother to find that out before you,
12:13:15 6 quote, endorsed the call for action in this letter?

12:13:18 7 MS. QUIMBY: Objection; form.

12:13:18 8 A. I endorse students abilities to make these kind
12:13:20 9 of calls. I endorse students, you know, abilities to ask
12:13:24 10 for more transparency.

12:13:26 11 Q. (BY MR. ALLEN) Did you make any effort to find
12:13:28 12 out who the so-called whistleblowers were?

12:13:31 13 A. I did not.

12:13:32 14 Q. It also goes on to say, "This should also
12:13:36 15 extend to investigating past bigoted behaviors by faculty
12:13:40 16 and, by taking this into account, the discipline and
12:13:42 17 potential removal of faculty who use the JSS platform to
12:13:47 18 promote racism. Specifically, the actions of
12:13:50 19 Dr. Jackson -- both past and present -- are particularly
12:13:55 20 racist and unacceptable."

12:13:55 21 Did I read that right?

12:13:55 22 A. That is what the document says, correct.

12:13:57 23 Q. Did you investigate the truth or falsehood of
12:14:00 24 any of those statements before signing the faculty
12:14:03 25 statement?

12:14:05 1 MS. QUIMBY: Objection; form.

12:14:06 2 A. Here I defer to people with more institutional
12:14:20 3 knowledge than -- than I have.

12:14:20 4 Q. (BY MR. ALLEN) I'm asking you about what you
12:14:22 5 did before you signed the statement. Did you look into
12:14:25 6 whether Timothy Jackson had engaged in specific racist
12:14:31 7 actions before endorsing the student statement with your
12:14:33 8 signature?

12:14:33 9 A. If such things -- if such things have been
12:14:37 10 alleged, then they should be investigated.

12:14:43 11 Q. No, that's not my question.

12:14:44 12 My question is: Did you do anything to confirm
12:14:48 13 that Timothy Jackson had committed some sort of racist
12:14:53 14 action before you endorsed the faculty statement with
12:14:58 15 your signature which incorporated by reference this call
12:14:59 16 to action?

12:14:59 17 MS. QUIMBY: Objection; form.

12:15:00 18 A. I did not.

12:15:02 19 Q. (BY MR. ALLEN) Okay. Do you recall there
12:15:18 20 being any discussion amongst you as faculty [audio cut
12:15:27 21 out] about -- you know, limitations about what you
12:15:28 22 wished?

12:15:35 23 (Reporter clarification.)

12:15:35 24 Q. (BY MR. ALLEN) Do you recall in this July 2020
12:15:44 25 time frame while you were formulating -- you -- the

12:15:47 1 faculty, meaning you the faculty, were formulating this
12:15:51 2 statement of UNT faculty on the *Journal of Schenkerian*
12:15:56 3 *Studies* you discussed with your colleagues your
12:15:58 4 limitations on what you were choosing to endorse and what
12:16:02 5 not to endorse in the student statement?

12:16:05 6 MS. QUIMBY: Objection.

12:16:06 7 A. But limitations are always implicit. As a
12:16:08 8 professor, you never endorse everything that students say
12:16:11 9 because by -- by virtue of the fact that they are
12:16:14 10 students. This is a general endorsement, not a
12:16:16 11 line-by-line-type of endorsement.

12:16:19 12 Q. (BY MR. ALLEN) So my question was different.
12:16:21 13 My question is: Do you recall any discussions
12:16:23 14 with your fellow faculty members about what you were
12:16:27 15 endorsing and what you weren't endorsing?

12:16:30 16 A. No.

12:16:30 17 Q. Okay. Do you know of any documents that would
12:16:34 18 help refresh your memory of any such conversations?

12:16:38 19 A. At the moment I do not recall.

12:16:40 20 Q. I just have one more line of questioning about
12:17:02 21 what I'll just loosely call the diversity, equity, and
12:17:06 22 inclusion policies at the University of North Texas
12:17:10 23 back in -- back in this time frame.

12:17:13 24 But before we start that, can you just explain
12:17:16 25 for the record what you understand by diversity at the

1 University of North Texas?

2 A. Openness to a wide variety of viewpoints.

3 Openness to, you know, recognizing the dignity of
4 multiple aesthetic cultures. Openness to, for instance,
5 being equally welcoming to students of all ethnic
6 backgrounds and faculty as well.

7 Q. And could we throw in gender as well, equally
8 welcoming to all?

9 A. Yes.

10 Q. Okay. And, just similarly, can you describe
11 for the record what you understand by inclusion as used
12 at the University of North Texas?

13 A. In University language, my understanding is
14 that these -- these diversity and inclusion,
15 particularly, have much of the same denotation.
16 Inclusion refers to, you know, allowing equal access for
17 voices from different sorts of perspectives to -- to take
18 part in classroom and, you know, administrative and
19 pedagogical conversations.

20 Q. So I'm not trying to put words in your mouth,
21 but does that mean sort of everything you described as
22 diversity plus making sure those groups or individuals
23 that were encompassed within the diverse umbrella were
24 also included in the educational programs of the
25 University?

12:19:11 1 A. Yes.

12:19:11 2 Q. And do you recall a faculty retreat in January
12:19:19 3 of 2022 which was focused on diversity and inclusion?

12:19:24 4 A. I can't recall if I attended that -- that
12:19:27 5 retreat.

12:19:27 6 Q. That was going to be my next question. So let
12:19:31 7 me see if I can pull this up, and maybe we can settle
12:19:35 8 that question once and for all.

12:19:37 9 A. Okay.

12:19:38 10 Q. I'm going to mark for the record -- let's see.
12:19:43 11 I'm going to have to pull it down first.

12:19:55 12 MR. ALLEN: Madam Court Reporter, are we up
12:19:58 13 to 10, Exhibit 10?

12:20:00 14 THE REPORTER: Yes, sir.

12:20:01 15 MR. ALLEN: I'm going to mark for the
12:20:03 16 record as Exhibit 10, and I will publish to the chat as
12:20:05 17 well to the record.

12:20:05 18 (Exhibit No. 10 marked.)

12:20:14 19 Q. (BY MR. ALLEN) This is a -- a string of emails
12:20:18 20 plus an attachment dated November 23, 2021.

12:20:31 21 A. Okay.

12:20:32 22 Q. Where did it go? Why am I not -- sorry. I
12:20:49 23 recognize I am -- there we go.

12:20:53 24 MR. ALLEN: I misspoke. This is -- this is
12:20:55 25 Exhibit 10. It is an email dated January 5, 2022. So I

12:21:01 1 would like to strike that previous designation of
12:21:03 2 Exhibit 10.

12:21:04 3 Q. (BY MR. ALLEN) It's a -- Exhibit 10 is, in
12:21:06 4 fact, an email dated January 5, 2022, with UNT Bates
12:21:12 5 No. 5521 and it announces a College of Music retreat for
12:21:16 6 Tuesday, January 11. Did I characterize that correctly,
12:21:20 7 Professor Chung?

12:21:21 8 A. Yes. I believe so.

12:21:23 9 Q. And do you recall participating in this
12:21:27 10 retreat?

12:21:27 11 A. I can't recall whether I participated or not.
12:21:30 12 I -- I -- I have not participated in all of these faculty
12:21:35 13 retreats as they come.

12:21:37 14 Q. Okay. Do you remember or do you -- let me put
12:21:40 15 it differently and strike that question.

12:21:42 16 Can you tell me if you know who Afa S. Dworkin
12:21:47 17 is?

12:21:47 18 A. I -- I do not know who Afa Dworkin is, no.

12:21:47 19 Q. Apparently she is the president and artistic
12:22:01 20 director of Sphinx. Do you see that?

12:22:02 21 A. Yes. Uh-huh.

12:22:03 22 Q. Are you familiar with an organization called
12:22:06 23 Sphinx?

12:22:07 24 A. I've heard of the organization before. I
12:22:10 25 don't -- I'm not privy to what -- what they -- what they

12:22:13 1 do as an organization.

12:22:14 2 Q. That's fine. And it might be that this will be
12:22:18 3 the end of our conversation about this because if you
12:22:21 4 don't know, you don't know.

12:22:23 5 But let me just really quickly -- I'll mark as
12:22:28 6 final exhibit here. Well, it may be the final exhibit.
12:22:32 7 Exhibit 11.

12:22:38 8 A. Okay.

12:22:39 9 (Exhibit No. 11 marked.)

12:23:01 10 MR. ALLEN: That's there published to the
12:23:02 11 list. So, then, I apologize. This is what I had got
12:23:04 12 confused about before. I looked at this one first.
12:23:07 13 There, I published it to the chat.

12:23:15 14 Q. (BY MR. ALLEN) Now, we've got -- Exhibit 11 is
12:23:16 15 the email of November 23, 2021. It has an attach --
12:23:19 16 well, the Bates number is UNT 5523, and it had this
12:23:24 17 attachment, again, announcing a faculty and staff retreat
12:23:29 18 for January 11, 2022. Did I characterize that correctly?

12:23:32 19 A. Correct.

12:23:33 20 Q. Now, I'm just going to ask if this helps
12:23:35 21 refresh your memory about whether you did participate in
12:23:38 22 this faculty retreat, Professor Chung?

12:23:42 23 A. I cannot recall from --

12:23:43 24 Q. Okay.

12:23:43 25 A. I can't recall whether I participated in this.

12:23:47 1 Q. Okay. I just want to ask one quick question
12:23:57 2 about Professor Bakulina. Do you know when Professor
12:23:59 3 Bakulina left the University of North Texas faculty?

12:24:01 4 A. I believe this was at the end of the academic
12:24:05 5 year in 2000- -- May 2022.

12:24:12 6 Q. So to the best of your knowledge, she would
12:24:14 7 have been around -- I'm not saying she participated or
12:24:16 8 that you know, but she would have been around in January
12:24:20 9 of 2022 at the time of this retreat?

12:24:22 10 A. Yes.

12:24:22 11 Q. Okay.

12:24:25 12 MR. ALLEN: Let's go off the record,
12:24:27 13 please.

12:24:27 14 THE VIDEOGRAPHER: The time is 12:24 p.m.
12:24:30 15 We are off the record.

12:24:31 16 (Recess from 12:24 p.m. to 12:32 p.m.)

12:32:05 17 THE VIDEOGRAPHER: The time is 12:32 p.m.
12:32:20 18 We are on the record.

12:32:21 19 Q. (BY MR. ALLEN) Professor Chung, thank you for
12:32:23 20 your time today. I just have a few more questions.
12:32:26 21 Depending on your answers, I think we can probably wrap
12:32:28 22 it up pretty quickly.

12:32:31 23 Do you recall your eventual advisee, the
12:32:38 24 graduate student Levi Walls, publishing a -- sort of an
12:32:42 25 apology on Facebook on July 27, a relatively lengthy

12:32:47 1 apology about his role on the *Journal of Schenkerian*
12:32:50 2 *Studies*?

12:32:50 3 A. I do remember that this was circulated. I saw
12:32:53 4 it secondhand.

12:32:54 5 Q. Did you read it?

12:32:56 6 A. Yes.

12:32:57 7 (Exhibit No. 12 marked.)

12:32:57 8 Q. (BY MR. ALLEN) One second. We'll publish this
12:33:36 9 as Exhibit 12. Which I believe you'll find is that
12:33:42 10 Facebook post by your now graduate student.

12:33:45 11 A. Okay.

12:33:47 12 MR. ALLEN: I will also put it online for
12:34:04 13 the record.

12:34:04 14 Q. (BY MR. ALLEN) Do you recognize this Facebook
12:34:06 15 post by Levi Walls, July 27, 2020?

12:34:10 16 A. I do recognize this post, yes.

12:34:12 17 Q. Is this the one you were referring to that you
12:34:15 18 read or was circulated to you secondhand?

12:34:18 19 A. Yes.

12:34:18 20 Q. Did you ever confirm with Mr. Walls that he was
12:34:21 21 the person who published this post?

12:34:24 22 A. I did not confirm with him. I have not
12:34:27 23 discussed this -- the contents of this writing with Levi.

12:34:32 24 Q. And he did say here that "I had no control of
12:34:43 25 the journal or over the decisions regarding review

12:34:46 1 processes," right?

12:34:48 2 A. Correct.

12:34:48 3 Q. And to your knowledge was that true?

12:34:55 4 MS. QUIMBY: Objection; form.

12:34:57 5 A. I don't know enough about the -- the sort of
12:35:00 6 the editorial structure of the journal to be able to
12:35:03 7 answer that question with -- with any clarity.

12:35:06 8 Q. (BY MR. ALLEN) And you never talked about that
12:35:09 9 topic with Mr. Walls?

12:35:13 10 A. No.

12:35:14 11 Q. He also says here at the end that he feared
12:35:22 12 that he could not leave without significant damage to my
12:35:26 13 career. Did I read that right?

12:35:29 14 A. Yes.

12:35:32 15 Q. And you understood, when you read this, that he
12:35:37 16 meant he could not leave the *Journal of Schenkerian*
12:35:41 17 *Studies* without significant damage to his career?

12:35:43 18 MS. QUIMBY: Objection; form.

12:35:43 19 A. I don't -- I don't know what Levi did or didn't
12:35:48 20 think about his -- his career at the time. I think it's
12:35:53 21 reasonable to infer what you've indicated from what's
12:36:00 22 written.

12:36:00 23 Q. (BY MR. ALLEN) He talks in the beginning of
12:36:02 24 that paragraph that in the summer of 2019 he was asked if
12:36:06 25 he would take on a research assistantship, right?

12:36:10 1 A. Correct.

12:36:10 2 Q. And that assistantship was the assistant editor
12:36:15 3 of the *Journal of Schenkerian Studies*, right?

12:36:17 4 A. Correct.

12:36:17 5 Q. And my -- my question is a simple one. We can
12:36:20 6 agree that that's what he's referring to in the final
12:36:22 7 says when he says, "As I will explain, what appeared to
12:36:25 8 be a positive opportunity for a young graduate student,
12:36:27 9 quickly turned into an extremely shameful position that I
12:36:31 10 feared I could not leave without significant damage to my
12:36:33 11 career."

12:36:33 12 Did I read that right?

12:36:34 13 A. Correct.

12:36:35 14 Q. And he's referring to his position -- the
12:36:38 15 context of the paragraph clearly indicates that he's
12:36:40 16 talking about his position on the journal, right?

12:36:43 17 A. Yes. I think that's a solid inference, yeah.

12:36:46 18 Q. And so my -- then my question was going, to be
12:36:50 19 to you as his advisor now, his dissertation advisor, you
12:36:54 20 do know that he left the *Journal of Schenkerian Studies*,
12:36:58 21 he actually did do that, which he said he feared he could
12:37:03 22 not do here, right?

12:37:04 23 A. You know, I -- I haven't talked to him about
12:37:06 24 his dealings with the *Journal of Schenkerian Studies*. He
12:37:08 25 seemed to want to avoid the topic.

12:37:11 1 Q. Does he have funding now, Mr. Walls?

12:37:15 2 MS. QUIMBY: Objection; form.

12:37:15 3 A. My understanding is that he doesn't any longer
12:37:20 4 have funding that's coming in from the University. He's
12:37:23 5 not teaching for the University at the moment.

12:37:26 6 Q. (BY MR. ALLEN) When he first came to you,
12:37:28 7 which I think you said was already before the end of
12:37:31 8 2020, did he have funding?

12:37:33 9 A. He had funding then, yes.

12:37:34 10 Q. He didn't lose his funding after July 2020
12:37:38 11 then, did he?

12:37:39 12 MS. QUIMBY: Objection; form.

12:37:40 13 A. That's correct. That's not the only form in
12:37:45 14 which career damage can take however.

12:37:48 15 Q. (BY MR. ALLEN) And he -- can you identify any
12:37:52 16 career opportunity that he has lost because he left the
12:37:57 17 *Journal of Schenkerian Studies*?

12:37:58 18 A. Well, it's very hard to identify opportunities
12:38:03 19 that were loss that, you know, never materialized in the
12:38:07 20 first place. If such a thing happened, I'm not directly
12:38:09 21 aware of any such thing.

12:38:11 22 Q. And that's what I was going to ask. In your
12:38:11 23 direct experience, though, you don't know of any
12:38:13 24 opportunity that Mr. Walls has forgone because he no
12:38:17 25 longer works on the journal?

12:38:18 1 A. I know of no such thing, but I can't preclude
12:38:21 2 its possibility.

12:38:27 3 Q. Do you write letters of recommendation for
12:38:29 4 Mr. Walls?

12:38:30 5 A. I expect to in the future.

12:38:31 6 Q. Have you helped him apply to any fellowships or
12:38:35 7 grants?

12:38:35 8 A. As -- as of yet, no.

12:38:37 9 Q. Do you intend to write letters of
12:38:41 10 recommendation with any negative comments about his role
12:38:45 11 on the *Journal of Schenkerian Studies*?

12:38:48 12 A. Certainly not.

12:38:49 13 Q. So you don't intend to penalize him for his
12:38:53 14 role on the *Journal of Schenkerian Studies* as his
12:38:57 15 dissertation advisor, do you?

12:38:57 16 MS. QUIMBY: Objection; form.

12:38:58 17 A. I certainly do not. That would be a
12:39:00 18 contradiction or dereliction of my -- my responsibilities
12:39:01 19 to him as his advisor.

12:39:03 20 Q. (BY MR. ALLEN) Just one more -- we were sort
12:39:16 21 of talking about this. This is why I wanted to bring it
12:39:18 22 up actually. But if you look down, I think it's here --
12:39:26 23 again, I'm just highlighting one sentence that -- sorry.
12:39:30 24 We'll try to get it in a form where it highlights it and
12:39:30 25 you can read it.

12:39:34 1 He says at the end of, it looks like, this
12:39:36 2 second paragraph on Bates page Jackson 235, "Furthermore,
12:39:41 3 after my warning that Dr. Jackson was woefully ignorant
12:39:45 4 about politically correct discourse and race relations,
12:39:50 5 he rebutted that Dr. Jackson did very well in the recent
12:39:53 6 diversity and inclusion workshops." He's referring there
12:39:55 7 to your former division head Benjamin Brand.

12:39:59 8 But my question for you is: Do you know what
12:40:05 9 Levi Walls is referring to when he refers to, quote,
12:40:09 10 politically correct discourse and race relations at the
12:40:13 11 University of North Texas?

12:40:14 12 MS. QUIMBY: Objection; form.

12:40:16 13 Q. (BY MR. ALLEN) If you have an understanding of
12:40:18 14 that. That's all I'm asking.

12:40:20 15 A. I -- I -- I mean, beyond understanding the
12:40:24 16 denotation of this sentence, no, I have no understanding
12:40:28 17 of -- of this.

12:40:29 18 Q. Do you know of any policy at the University of
12:40:32 19 North Texas that promotes, quote, politically correct
12:40:36 20 discourse?

12:40:38 21 MS. QUIMBY: Objection; form.

12:40:38 22 A. Policy? I mean, I think that it's, you know,
12:40:40 23 an expectation that professors, you know, will welcome
12:40:49 24 and include diverse voices in their classrooms.

12:40:52 25 Q. (BY MR. ALLEN) Is Timothy Jackson's voice one

12:40:56 1 of those diverse voices?

12:40:58 2 A. Everyone's voice is.

12:41:00 3 Q. So your answer is yes?

12:41:01 4 A. Yes.

12:41:13 5 Q. Just one more. This really will be the last
12:41:16 6 one. Then we'll have you out I believe. One sec. This
12:41:36 7 will be very quick I promise, too. We're at Exhibit 13.
12:41:48 8 Sorry, Professor Chung, we're going to end on an unlucky
12:41:51 9 number.

12:41:51 10 A. I believe in so much thing.

12:41:53 11 Q. Good.

12:42:04 12 MR. ALLEN: I'm going to publish for the
12:42:06 13 record Exhibit 13, which is an email from Ellen Bakulina
12:42:10 14 dated July 29, 2020. Again, I'm going to put this in the
12:42:19 15 group chat here. That will take me just one second.

12:42:19 16 (Exhibit No. 13 marked.)

12:42:30 17 Q. (BY MR. ALLEN) I recognize that you're not on
12:42:32 18 this email. The reason I ask you about it is Ellen
12:42:32 19 Bakulina writes this email to various individuals who are
12:42:39 20 your colleagues and also your department chair Benjamin
12:42:42 21 Brand or division head, I guess, they're called.

12:42:43 22 And she says, "I have reviewed those emails one
12:42:46 23 more time and" -- well, let's just read to the whole
12:42:49 24 thing into the record.

12:42:49 25 A. Uh-huh.

12:42:49 1 Q. "When we had our, quote, emergency meeting on
12:42:52 2 Sunday" -- and you recall us identify that emergency
12:42:56 3 meeting called by Benjamin Brand, right?

12:42:58 4 A. Yes.

12:42:58 5 Q. And this is in that time frame. "I" -- meaning
12:43:03 6 Ellen Bakulina -- "said that my contribution to the,
12:43:05 7 quote, call for responses to Ewell, closed quote
12:43:08 8 formulation, was to suggest that the call should be
12:43:11 9 inclusive, that we must welcome different kinds of
12:43:13 10 perspectives.

12:43:14 11 "I have just reviewed those emails one more
12:43:17 12 time, and this is actually untrue. The idea of
12:43:20 13 inclusivity was already there in Levi's original draft
12:43:22 14 and it was further mentioned by Andrew Chung. So it
12:43:25 15 wasn't my suggestion at all."

12:43:27 16 Did I read that correctly?

12:43:28 17 A. Correct.

12:43:28 18 Q. So since this refers to you, my question for
12:43:33 19 you is: Do you remember this conversation where
12:43:35 20 inclusivity was being discussed in relationship to the
12:43:39 21 call for proposals for Volume 12 of the *Journal of*
12:43:41 22 *Schenkerian Studies*?

12:43:43 23 A. Yes.

12:43:43 24 Q. And what was the nature of that discussion?

12:43:46 25 A. The nature of that discussion was that, I

12:43:50 1 believe, Levi Walls circulated a draft for the call for
12:43:55 2 papers that solicited material for Volume 12 of the
12:44:01 3 *Journal of Schenkerian Studies*. He circulated a draft of
12:44:04 4 the calls for papers to a number of -- a handful of
12:44:09 5 faculty members, including myself. And this would have
12:44:13 6 been in the early months of 2020 before -- you know,
12:44:20 7 before we were shuttered in due to the pathogen.

12:44:26 8 And at that time, you know, I -- I said, you
12:44:30 9 know, I think because the *Journal of Schenkerian Studies*
12:44:34 10 is about a topic that was, you know, heavily mentioned
12:44:41 11 during Professor Ewell's address, it's an appropriate --
12:44:44 12 it's a good venue for a continuing discourse to take
12:44:49 13 place in -- in -- you know, in that correspondence to
12:44:54 14 which I'm referring.

12:44:56 15 Now I remember saying that, you know, I think
12:44:58 16 it's important to have a variety, a balance of different
12:45:05 17 kinds of reactions to Professor Ewell. Not all responses
12:45:13 18 that simply give him a blanket endorsement, not all
12:45:19 19 responses that give a proper blanket condemnation of
12:45:24 20 Professor Ewell.

12:45:25 21 Q. And that would -- is it fair to say that would
12:45:27 22 be your understanding of a healthy, scholarly discourse
12:45:31 23 then?

12:45:32 24 A. In general, yes.

12:45:34 25 Q. And what role did Mr. Walls play in that

12:45:38 1 discussion?

12:45:40 2 A. My only understanding of Levi Walls' role in
12:45:47 3 that discussion was that I believe he wrote the email to
12:45:50 4 myself and two or three other faculty members asking
12:45:57 5 whether, you know, it would be a good idea to, you know,
12:46:00 6 do the call for papers and if we had any suggestions.

12:46:04 7 Q. Uh-huh. And -- and that eventual -- you
12:46:08 8 reviewed the *Journal of Schenkerian Studies* Volume 12
12:46:12 9 enough to know that there were viewpoints that were
12:46:16 10 diverse, correct? Some were pro-Ewell, some were
12:46:20 11 anti-Ewell?

12:46:20 12 A. Some were -- some were, indeed, pro-Ewell and
12:46:24 13 some were anti-Ewell. I think the -- you know, the
12:46:26 14 sentiment was that the majority of pieces were anti or,
12:46:33 15 you know, expressed disapprobation towards Professor
12:46:34 16 Ewell and his remarks.

12:46:34 17 Q. Do you have any direct knowledge of any
12:46:37 18 contributions that were in favor of Ewell's viewpoint
12:46:40 19 that were excluded from the journal?

12:46:42 20 A. I am -- I am not aware of any submissions that
12:46:46 21 were turned away.

12:46:49 22 Q. Okay.

12:46:51 23 MR. ALLEN: I'm going to pass the witness,
12:46:53 24 Mary.

12:46:53 25 MS. QUIMBY: I'll reserve my questions for

12:46:55 1 trial. Thank you.

12:46:57 2 THE VIDEOGRAPHER: The time is 12:46 p.m.

12:47:00 3 We are off the record.

4 (Proceedings adjourned at 12:46 p.m.)

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CHANGES AND SIGNATURE**WITNESS NAME: ANDREW JAY CHUNG****DATE OF DEPOSITION: October 15, 2024**

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I, ANDREW JAY CHUNG, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

ANDREW JAY CHUNG

STATE OF _____)

COUNTY OF _____)

Before me, _____, on this day personally appeared ANDREW JAY CHUNG, known to me (or proved to me under oath or through _____) (description of identity card or other document)) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, _____.

NOTARY PUBLIC IN AND FOR
THE STATE OF _____
COMMISSION EXPIRES: _____

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

TIMOTHY JACKSON,

Plaintiff,

VS.

LAURA WRIGHT, ET AL.,

Defendants.

X

X

X

X

X

X

X

X

X

CASE ACTION

NO.: 4:21-cv-00033-ALM

REPORTER'S CERTIFICATION

DEPOSITION OF ANDREW JAY CHUNG

October 15, 2024

(Reported Remotely)

I, Jennifer L. Sanders, Certified Shorthand
Reporter in and for the State of Texas, hereby certify to
the following:

That the witness, ANDREW JAY CHUNG, was duly
sworn by the officer and that the transcript of the oral
deposition is a true record of the testimony given by the
witness;

That the deposition transcript was submitted on
_____ to Ms. Mary Quimby, attorney for
ANDREW JAY CHUNG, for examination, signature and return
to me by _____;

1 That the amount of time used by each party at
2 the deposition is as follows:

3 MR. MICHAEL THAD ALLEN: 3 Hour(s), 10 Minute(s)
4

5 That pursuant to information given to the
6 Deposition officer at the time said testimony was taken,
7 the following includes counsel for all parties of record:

8 **FOR THE PLAINTIFF:**

9 MR. MICHAEL THAD ALLEN
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13
14 **FOR THE DEFENDANT:**

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19 That \$_____ is the deposition officer's
20 charges to Mr. Michael Thad Allen, Attorney for
21 Plaintiff, for preparing the original deposition
22 transcript and any copies of exhibits;

23 I further certify that I am neither counsel
24 for, related to, nor employed by any of the parties or
25 attorneys in the action in which this proceeding was

1 taken, and further that I am not financially or otherwise
2 interested in the outcome of the action.

3 Certified to by me this _____ day of

4 _____, _____.

5
6 JENNIFER L. SANDERS, CSR No. 5091
7 Expiration Date: 10/31/26
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